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Emergent Powers in the Field of Peacebuilding: Modalities, Interactions and Impact of Indian and Chinese Engagement in the Peace Processes of Nepal and Myanmar

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Abstract

The global emergence of countries like India and China has given rise to questions about how these emergent powers will engage with the various manifestations of the West-led liberal world order, including fields of humanitarian assistance, human rights, peace processes, and international development. This thesis explores this broader debate in the field of peacebuilding. Using the cases of Nepal and Myanmar, it probes how emergent powers, India and China, engage in the peace processes in countries in their region of influence or their immediate neighbourhood. In doing so, it explores how this engagement of emergent powers interacts with, and impacts, liberal peacebuilding projects on the ground. Finally, it examines how such plural and diverse sources of international engagement impact the political settlements in Nepal and Myanmar, at a precise moment when these countries are undertaking a peace process. Standing at the juncture of the three distinct bodies of scholarship, namely, regional foreign policies of India and China, liberal peacebuilding, and political settlements, this research takes a qualitative and inductive approach. It draws primarily on document analysis and elite interviews in Nepal and Myanmar, both countries having closely witnessed the simultaneous engagement of India and China and of liberal peacebuilders.

Empirical evidence from Nepal and Myanmar shows that India and China speak a distinct vernacular of peace that cannot be encapsulated within the domain of liberal peacebuilding. This thesis proposes an alternative framework, conceptualised as Emergent Power Regional Conflict Management (EPRCM). It argues that the key features of EPRCM approach are: stability, development, unevenly applied state-centricity, rejection of the universality of liberal peace, prioritisation of regional actors in conflict resolution, and an underlying pragmatism that disdains the use of templates and policies in conflict-resolution. It contends that though EPRCM co-exists with liberal peacebuilding projects, this co-existence is defined by limited interaction, and a few instances of active contestation between the two, specifically when liberal

peacebuilders are thought to be detrimental to the interests of emergent powers. A core area of convergence between them, however, is their joint focus on supporting peace agreements, which attempt to end conflicts. Within this negotiated co-existence between the two forms of international engagement, EPRCM is entrenched and vested, while liberal peacebuilding is weak and compromised, both by the strength of the EPRCM but also through the agency of local elites, who undercut and co-opt liberal peacebuilders.

This thesis also argues that plural forms of international engagement, defined by the pragmatism and strength of EPRCM, and the timidity of liberal peacebuilding, with little interaction between the two, enables elites in Nepal and Myanmar to co-opt and hedge against all forms of international pressure. This increased autonomy of domestic elites leads them to renounce international and domestic pressure to make the political settlements inclusive, leading to hybrid peace structures. These structures embody some liberal precepts grounded on the agendas of the peace process, but are largely status quoist and illiberal. These illiberal hybrid peace structures continue to buoy the dominance of the elites and compromise on the key agenda of the peace process: the change of the political settlements.

Lay Summary

The world order has been undergoing a transition, with the rise of emergent powers, such as India and China, and the associated decline of international influence from the West. This thesis offers an analysis of how these shifts in power are reshaping the global governance of peace. Firstly, by focussing on Nepal and Myanmar's peace processes, it examines the engagement of India and China in conflict-affected states in their immediate neighbourhood or region. Secondly, it explores how the engagement of these emergent powers interacts with, and impacts upon, the practice of liberal peacebuilding. Finally, it examines how such diverse sources of international influence impact domestic political processes in Nepal and Myanmar.

This research has found that India and China speak a language of peace that is distinct from the dominant form of liberal peacebuilding. This thesis conceptualises this form of engagement as Emergent Power Regional Conflict Management (EPRCM). EPRCM is characterised by the following features: stability, development, unevenly applied state-centricity, rejection of the universality of liberal peace, prioritisation of regional actors in conflict resolution, and an underlying pragmatism that rejects the use of templates and policies in conflict-resolution. Despite these distinct characteristics, EPRCM 'co-exists' with liberal peacebuilding projects, and also supports peace agreements, in Nepal and Myanmar. This co-existence is defined by limited interaction, and a few instances of active contestation between the two, specifically when liberal peacebuilders are thought to be detrimental to the interests of emergent powers. The thesis also argues that the existence of different forms of international engagement, and the absence of synergy between these international approaches, allows domestic elites to manipulate international engagement in their favour. In doing so, they adopt some liberal precepts while rejecting others, producing hybrid outcomes, which encompass both liberal and illiberal elements. In analysing these hybrid outcomes, this research finds that they continue to facilitate the dominance of the elites and compromise on the key aims of the peace process.

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The thesis is based on my own work, with acknowledgement of additional primary and secondary sources. It has not been submitted for any other degree or professional qualification.

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List of Abbreviations

ACM:	Authoritarian Conflict Management
AMMA:	Agreement on the Monitoring of Management of Arms and Armies
ARSA:	Arakan Rohingya Salvation Army
ASEAN:	Association of Southeast Asian Nations
BGF:	Border Guard Force
BJP:	Bharatiya Janata Party
BRI:	Belt and Road Initiative
CA:	Constituent Assembly
CHHE:	Caste Hill Hindu Elite
CIEDP:	Commission of Investigation on Enforced Disappeared Persons, Nepal
CMEC:	China-Myanmar Economic Corridor
CPA:	Comprehensive Peace Accord
CPB:	Communist Party of Burma
CPI-M:	Communist Party of India (Marxist)
CPN-M/ Maoists:	Communist Party of Nepal (Maoist)
DFID:	Department for International Development
DDR:	Disarmament, Demobilisation, and Reintegration
EAO:	Ethnic Armed Organisations
EPRCM:	Emergent Power Regional Conflict Management
EU:	European Union
FPNCC:	Federal Political Negotiation and Consultative Committee
FPTP:	First Past the Post
ICTJ:	International Center for Transitional Justice
ILO-169:	Indigenous and Tribal Peoples Convention, 1989
INC:	Indian National Congress
JCB:	Joint Coordination Body
JICM:	Joint Implementing Coordination Meeting

JMC:	Joint Ceasefire Monitoring Committee
JPF:	Joint Peace Fund
MoD:	Ministry of Defence
MJF:	Madheshi Janadhikar Forum
NA:	Nepal Army
NATO:	North Atlantic Treaty Organisation
NC:	Nepali Congress
NCA:	Nationwide Ceasefire Agreement
NGO:	Non-Governmental Organisations
NLD:	National League for Democracy
NMSP:	New Mon State Party
NPTF:	Nepal Peace Trust Fund
NRPC:	National Reconciliation and Peace Centre
OHCHR:	Office of the United Nations High Commissioner for Human Rights
PLA:	People's Liberation Army, Nepal
PR:	Proportional representation
PSF:	Peace Support Fund or Paung Sie Facility
RAW:	Research and Analysis Wing, India
RCSS/ SSA-South:	Restoration Council of Shan State (RCSS/SSA-South).
RSS:	Rashtriya Swayamsevak Sangh
R2P:	Responsibility to Protect
SAARC:	South Asian Association for Regional Cooperation
SC:	Special Committee for Supervision, Integration and Rehabilitation of the Maoist Army Combatants, Government of Nepal
SSA:	Shan State Army
SSPP/ SSA-North:	Shan State Progress Party (SSPP/SSA-North)
SSR:	Security Sector Reform
TMLP:	Tarai-Madhesh Loktantrik Party
TRC:	Truth and Reconciliation Commission
UCPN-M:	Unified Communist Party of Nepal (Maoist)

UML:	Communist Party of Nepal (Unified Marxist–Leninist)
UN:	United Nations
UNDP:	United Nations Development Programme
UNFC:	United Nationalities Federal Council
UNMIN:	United Nations Mission in Nepal
UNPFN:	United Nations Peace Fund for Nepal
UPA:	United Progressive Alliance, India
UPDJC:	Union Peace Dialogue Joint Committee
USAID:	United States Agency for International Development
USDP:	Union Solidarity and Development Party
UWSA/ UWSP:	United Wa State Army/United Wa State Party
YCL:	Young Communist League, Nepal

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Introduction

The world order is shifting, marked by a decline of the West, its accompanying liberal order, and the rise of a disparate group of emergent powers, who have yet to establish a coherent alternative model (Kupchan, 2012). This has led to lively discussion in International Relations, on how emergent powers will engage with the liberal world order, in all its manifestations, such as humanitarian interventions, global human rights regimes and peacebuilding; and what their interaction will mean for its future (Duncombe and Dunne, 2018; Etzioni, 2011; Hurrell, 2007; Ikenberry et al., 2018; Jacques, 2009; Johnston, 2007; Kupchan, 2012; Stokes, 2018). This discussion is seen to be of great importance, as emergent powers have not only remained at the margins, in the making of this world order, but have risen in a world order, not of their own making (Ikenberry, 2001; Zhang, 2016). Grand initiatives, such as China's Belt and Road Initiative (BRI), which is seen to reaffirm China's dominance, by transforming transport, trade and connectivity patterns in Asia and beyond, have further stimulated the debate (Cau, 2018; Jones, 2020).

Largely focussing on China, the world-order debate has tangentially touched on India too, and the resulting prophecies have been wide-ranging. Some scholars have presented the liberal international order as integrative and flexible, creating incentives for emergent powers to join in (Ikenberry, 2011). Others have refuted this optimism, arguing that emerging powers will not adapt to the existing liberal order, given the fundamental differences in their understanding of sovereignty, threats to international security, and statehood (Halper, 2010; Hurrell, 2006; Jacques, 2009; Kupchan, 2012). Beyond these binaries, others have contended the rise of a more 'cooperative and symmetrical partnership' (Zeng and Breslin, 2016), or even a 'co-existence' between the US and China (De Graaff and Van Apeldoorn, 2018). Though extremely insightful and varied in their reading of the interaction between emergent powers and the liberal world order, a common feature of all discussions is a sense of the 'unknown'.

This thesis seeks to engage with one element of this 'unknown', by examining the debate in the field of peacebuilding. More specifically, it seeks to empirically examine how emergent powers support, or engage in, international peace processes- an arena traditionally dominated by liberal peacebuilding projects. In seeking to understand how emergent powers engage in this arena, three inter-related questions inform this thesis. Firstly, how do emergent powers, such as India and China, engage in peace processes in neighbouring countries within their region of influence, with a specific focus on Nepal and Myanmar? Secondly, how does the engagement of emergent powers interact with, and impact upon, liberal peacebuilding projects in Nepal and Myanmar? Finally, how do these plural forms of engagement, of emergent powers and liberal peacebuilding projects, impact upon domestic political settlements in Nepal and Myanmar? In studying international engagement in peace processes, this thesis focuses on three core arenas of the process: Inclusion, Security Sector Reform, and Transtional Justice, which will be discussed in following sections.

To do so, this thesis turns to countries in their immediate neighbourhood, or their regional sphere of influence, which this thesis presents as 'regions'. The focus on 'regions', serves two functions here. Firstly, while the engagement of emergent powers with the liberal world order is still speculative, concrete inferences could be made at a regional level. In South Asia and Southeast Asia, India and China respectively, have always been crucial regional powers, long before any discussion of their global emergence. As Cohen asserts, India has always been a great power for countries in South Asia (2001). Similarly, despite not being situated in Southeast Asia, and having many powerful regional competitors, China has been a dominant actor historically in the region, and currently stands as a counterweight to the US dominance (Lee, 2017). Thus, from studying their engagement on conflict management at the regional level, where they have always enjoyed a commanding presence, robust predictions can be made, as to their engagement, when they emerge globally. Secondly, 'regions' can be seen as yardsticks, or litmus tests, to gauge the scale, intensity and interest of emergent powers in the peacebuilding arena. With immediate stakes in security, and in economic and political developments in the region, India and China's engagements with such

countries in the regional periphery are likely to demonstrate their level of interest in peacebuilding.

In seeking to study emergent power engagement in this arena, liberal peacebuilding is the point of reference of this thesis, or even its point of contrast. The underlying reasons for this are multiple. Firstly, peacebuilding, as a form of international support to transform conflict-affected states, is a core manifestation of the liberal world order in these states. It is not only based on an intellectual heritage, emanating from Western experience, but is dominated in discourse and practice by Western states, and the global governance institutions they dominate (Kühn, 2012; Mac Ginty, 2011). The centrality of Western states as core actors in the policy and practice of liberal peacebuilding; its quest to promote liberal goals such as human rights and economic liberalisation as a means to bring peace (Zaum, 2012); and finally its record of marginalising or co-opting other non-Western forms (Kühn, 2012; Mac Ginty, 2008) makes it the perfect yardstick when it is being compared to alternative forms of peacebuilding, emanating from non-Western countries.

Secondly, the question of the engagement of emergent powers in peace processes, becomes more pertinent, as it becomes apparent that emergent powers such as China and India, have a significant impact on conflict processes and systems in many conflict-affected states (Alden and Yixiao, 2017; Pant, 2010; Sun, 2012a; United States Institute of Peace, 2018; Whitfield, 2012). Further, the engagement of emergent powers is seen often to undercut the influence of liberal peacebuilders in these conflicts (Alden and Large, 2015; Sørbø et al., 2011). The sovereignty-centred approach of India and China (Lei, 2011; Sørbø et al., 2011) and the impact of their developmental approach in conflict-affected states (Abb, 2018; Singh, 2017; Xuejun et al., 2017) is viewed as introducing competing norms and forms of engagement in the field of peacebuilding. However scholars have also noted a shift by emergent powers, to a more lenient interpretation of sovereignty, with the potential of fostering a greater engagement on conflict resolution (Alden and Yixiao, 2017; Aneja, 2014; Choedon, 2017; Hall, 2013; Hirono et al., 2019; Kurtz, 2014; Suzuki, 2012; Virk, 2013). Nevertheless, Indian and Chinese attitudes, to engagement on peacebuilding activities,

remain cautious and hesitant (Kulshreshth, 2016; Mukerji, 2014; Yinfan, 2004; Zhenmin, 2009).

Finally, beyond practice, liberal peacebuilding also enjoys a discursive hegemony in the academic scholarship attributed to it (Bargués-Pedreny, 2018; Chandler, 2017; Cooper, 2007).This discursive dominance is apparent in the sheer amount of empirically rich and critical scholarship, attributed to 'liberal peace', in contrast to the few academic works focussing on alternative forms of conflict management, under the themes of 'illiberal peace' and 'authoritarian conflict management' (De Oliveira, 2011; Lewis et al., 2018; Smith et al., 2020). As regards the study of alternative forms, the engagement of India and China in the 'peacebuilding' sphere, has received far too little attention (Alden and Large, 2015; Call and de Coning, 2017; Lei, 2011; Richmond and Tellidis, 2014; Singh, 2017). Thus, the quest to understand emergent power engagement in 'peacebuilding', gives consideration to the call of peace studies scholars, to explore alternative modes of peacebuilding, and move beyond the confines of liberal peacebuilding (Lewis et al., 2018; Mac Ginty, 2008; Smith et al., 2020).

Making liberal peacebuilding, as the point of reference might be debatable, given recent appraisals. While liberal peacebuilders have been successful in the ending of wars (Doyle and Sambanis, 2000), they have been unable to create liberal states, and this has bred illiberal practices on the ground (Jahn, 2005; Tadjbakhsh and Richmond, 2011). Hybrid forms of peace, evidencing liberal and illiberal characteristics, have been frequent outcomes of peacebuilding projects (Mac Ginty, 2011). Further, a growing pragmatism amongst peacebuilders is said to have led them to abandon their goal of creating liberal states (De Coning, 2018), and the absence of coherence between liberal peacebuilding actors has led to calls to move away from the very concept of peacebuilding (Zaum, 2012). Such negative assessments have been expressed in such terms as 'failure', 'crisis', 'retreat', and 'loss of agency' (Bargués-Pedreny, 2018; Chandler, 2017; Pospisil, 2019). These point to a crisis of confidence, credibility and coherence. In short, the dominance, and indeed the very existence, of what is understood by liberal peacebuilding is being challenged.

While cognisant of these negative appraisals, this thesis notes that liberal peacebuilding continues to be a useful dominant concept, to interrogate internationally-supported peace-making (Mac Ginty, 2008). In practice, liberal peacebuilding projects continue to be the primary approach to funding and supporting conflict-affected states, in order to address the root cause of conflict and consolidate peace (Ghali, 1992; Mac Ginty, 2011). Initially endorsed and conceptualised by the United Nations in the 1990s, it is now deeply embedded within the current global governance architecture, given its swift adoption by multilateral, bilateral, and inter-governmental bodies, diplomatic agencies, and NGOs.

Additionally, arguments against the dominance of peacebuilding, such as liberal peacebuilding's loss of agency (Chandler, 2017), have tended to overlook the continued power and pervasiveness of peacebuilding projects, as the very cases of Nepal and Myanmar in this thesis attest (Cooper, 2007). Similarly, arguments about the absence of unity between peacebuilders, obscure the remarkable consensus among them, on norms such as: open markets, privatisation, sustainable peace, human security, promotion of democracy and human rights, and the strengthening of civil society (Cooper et al., 2011; Richmond et al., 2011). Moreover, while liberal peace as a holistic package, to be deployed on the ground, might have been abandoned for more pragmatic versions (De Coning, 2018), the vestiges of liberal peace linger in the form of technocratic components. These include: Disarmament Demobilisation and Reintegration (DDR); Security Sector Reform (SSR); Transitional Justice; post-peace accord elections and civil service reform. Significantly, all of these echo, or at least pay lip-service to, liberal prescriptions (Mac Ginty, 2008).

In seeking to explore the three questions, this thesis draws a distinction between peacebuilding, as a process conflict-affected countries undertake to transition into peace, and peacebuilders or liberal peacebuilders (used interchangeably), as entities, largely affiliated to Western states and multilateral bodies supporting peacebuilding efforts. So, while this research seeks to investigate how India and China have engaged in the realm of peacebuilding, it refrains from calling them peacebuilders, and the reasons for not doing so will be further discussed in the thesis.

Arguments

In engaging with the three questions, this thesis makes three-inter related arguments. Firstly, although the engagement of both emergent powers and liberal peacebuilders is mired with contradictions, the core difference between them is that emergent powers speak a different vernacular of peace, which differs from peacebuilding in its fundamental elements. This thesis conceptualises this vernacular as Emergent Powers Regional Conflict Management (EPRCM). While not a conscious strategy, EPRCM binds together set of priorities, often contradictory in themselves. The key features of EPRCM are: stability; development; state-centricity (albeit inconsistent); rejection of the universality of 'liberal' solutions to post-conflict transitions; prioritisation of regional actors as stakeholders; and a pragmatism which abhors a template based approach to peacebuilding. It shows that the rejection of templates, and the pragmatic insistence on 'case by case' examinations of issues in the peace process, makes it difficult to neatly interpret Indian and Chinese engagement in their region. EPRCM is also distinct from liberal peacebuilding in the strength of its engagement in the region. The engagement of emergent powers is deeply entrenched and highly influential, in contrast to that of liberal peacebuilders, who appear weak, and selective in comparison. While EPRCM synthesises the commonalities between the Indian and Chinese approaches, it does not seek to absolve the differences. Factors, including the unrivalled rise of China, the escalation of Indian-Chinese competition, and an informal emerging coalition between India with Western states, as a counterbalance to China's global ascendancy (Acharya, 2007; Robbani, 2016; Stephen, 2012; Wohlforth, 1999) are all likely to determine the relevance of EPRCM in the future.

Secondly, this thesis asserts that although Nepal and Myanmar witness a 'co-existence' of engagement between emergent powers and liberal peacebuilders, this co-existence is 'negotiated'. This 'negotiated co-existence' is marked by substantial differences in their approaches, limited avenues of interaction, and some areas of active contestation. A core area of convergence, between the two approaches, is focused on forging elite pacts, which translate into peace accords. However, while peacebuilders see peace

accords as a starting-point, to be followed by an institutional engineering of conflict-affected states to mimic liberal norms; emergent powers are rarely invested in institutional support, in the aftermath of peace accords, except when core interests prompt them to take part.

Thirdly, the multi-layered interactions, between plural forms of international engagement and different competing social groups in conflict-affected states, who mobilise different forms of international engagement to their advantage, as they negotiate on the political settlements during the peace process, facilitates the formation of hybrid peace structures. Such structures, while embodying limited liberal characteristics are largely compromised and illiberal, seeking to change the course of the political settlements to the status quo, thus continuing to benefit the elites. The plurality of international engagement and its strength, defined by a weak liberal peacebuilding, and a pragmatic emergent power engagement, presents opportunities for elites to selectively embed international prescriptions, to suit their dominance in the political settlements. They do so, by co-opting benefits from multiple international sources, and hedging against one form of international pressure for the other. Co-option is evident, with elites appropriating the liberal language and institutions to serve their dominance. Similarly, hedging, while a much discussed concept in the field of Asian International Relations, albeit not referenced in Peace studies, is apparent in elites, who rely on multiple countering international options to offset diverse international pressures (Cheng-Chwee, 2008). Such strategies ensure that these hybrid peace structures continue to reify the position of the elites as seen in the exclusive political settlements of Nepal and Myanmar, while bringing minimal benefits for marginalised groups.

In the context of the added autonomy of elites, EPRCM, both, constrains and facilitates the leverage of liberal peacebuilding. On the one hand, given their opportunities for co-option and hedging, elites invoke both forms of international engagement, more specifically liberal peacebuilding, which forms a useful counter-weight to the dominance of India and China in regional affairs. This results in some liberal prescriptions by peacebuilders being embedded into these hybrid peace institutions.

On the other hand, the plurality of international engagement, not only allows for elites to co-opt liberal peacebuilders more easily, but also permits EPRCM to constrain the scope of liberal peacebuilding, when the latter's agendas do not suit the interests of emergent powers.

The scholarship on hybrid peace structures, or hybridity, largely sees it as an outcome of the interaction between the 'international' and the 'local' (Mac Ginty and Richmond, 2016; Millar, 2014; Richmond, 2015). In Nepal and Myanmar, it is not merely the outcome of an interaction between the 'international' and the 'local', but plural forms of international engagement interacting with one another at one level, and both these forms of international engagement subsequently interacting with multiple groups of 'local' at another level.

Using these three arguments we can begin to interpret the wider debate on the global transition away from the liberal world order. The 'negotiated co-existence' of diverse conflict-management, or peacebuilding, strategies reflects the interregnum in the world order, where manifestations of the liberal world are weakening, whilst other forms have not yet been able to completely take over (Kupchan, 2012). The strength of the engagement of EPRCM, which shapes the outcomes of peace processes in the region, and even constrains the mandate of liberal peacebuilding, also underscores that, in their respective regions, emergent powers are already overtaking agents of the liberal world order. Further, the illiberal turn of hybrid peace structures is reminiscent of the weakening of the liberal order, which has debilitated the ability of peacebuilders to force through liberal agendas and, instead, retreat, or only selectively promote liberal norms and institutions. Looking bottom-up, from the perspective of conflict-affected states, like Nepal and Myanmar, this transition of the world order, which has led to a 'co-existence' of plural forms of international engagement, presents unique opportunities for enhancing their autonomy through such strategies as hedging or co-option.

In outlining the weakness, timidity, and pragmatism of peacebuilding, this thesis however, cautions against overstating arguments like 'loss of agency' (Pospisil, 2019)

or the 'end of peacebuilding' (Chandler, 2017), as well as a call to move away from the concept of peacebuilding, given the panoply of different actors (Zaum, 2012). Peacebuilders in Nepal and Myanmar continue to be valorised, not only for the financial assistance they bring, or the legitimacy they are able to confer, but for the fact that they form a credible counterbalance to the intrusive regional policies of emergent powers. The dominant scholarship sees the co-option of liberal peacebuilding by elites, as a symbol of its 'loss of agency', but the fact that elites are bound to co-opt rather than reject peacebuilding projects outright, testifies to the power they wield. Additionally, the arguments of scholars, like Zaum, who call for abandoning the concept of liberal peacebuilding, given the heterogeneity amongst the Western actors involved, ignore the substantial degree of unity that is felt on the ground. This is manifested in disparate sets of peacebuilders banding together to form consortiums, such as the Nepal Peace Trust Fund, and Myanmar's Joint Peace Fund and Peace Support Fund, which have led the peace process agendas. Similarly, despite the scholars outlining the rise of a 'goal-free' version of peacebuilding (De Coning, 2018), Nepal and Myanmar demonstrate that vestiges of liberalism remain in the normative consensus on its elements. A continuity of the liberal peace paradigm is indicated by the embrace of agendas like inclusion, SSR, and transitional justice, and in the icononisation of such values as democracy and equality.

Organisation of the Thesis

In exploring these arguments, with empirical insights from Nepal and Myanmar, this thesis is divided into four parts. Part I, comprising Chapters 1 and 2, focuses on its conceptual and methodological elements. Chapter 1 brings together the conceptual foundations binding the three questions, through a discussion of Indian and Chinese foreign policies, and how they inform their regional engagement in peace processes in Nepal and Myanmar. It examines the shifting foundations of liberal peacebuilding, and lastly, unpacks the concept of political settlements. Chapter 2 outlines the methods, and tools for data collection, as well as the ethical considerations underpinning this work.

Part II, composed of Chapters 3 and 4, presents the case of Nepal. Chapter 3 focuses on the history of the conflict, the nature of the political settlement in Nepal, and the peace process, which sought to renegotiate the political settlement, and finally the broad contours of international engagement in the peace process. In describing the landscape of the peace process, this chapter provides the background to how certain steps in the peace process have been conditioned by long-standing legacies. Chapter 4 is an empirical examination of the nature, modality and impact of Indian engagement, and in part that of China, on the processes and outcomes of Nepal's journey to inclusion, SSR, and transitional justice, through a peace process. In doing so, it also outlines areas of divergence and convergence with liberal peacebuilding projects, and the impact of these plural forms of international engagement on the political settlements of Nepal, which have been defined by a history of exclusion of a number of marginalised groups.

Part III, composed of Chapters 5 and 6, presents the case of Myanmar. As in Part II, the first part takes a more retrospective approach, looking at the historical patterns of conflict, the peace process, and international engagement within in. It also outlines how the peace process, owing to historical legacies, has struggled to address the exclusive nature of the political settlements in Myanmar. Chapter 6 then deals with a detailed examination of Chinese engagement on the three issues of inclusion, SSR, and transitional justice. The chapter also discusses how the engagement of China interacts with, and impacts upon, liberal peacebuilding projects, and ultimately looks at its influence on the political settlements in Myanmar.

Part IV, comprising Chapters 7 and 8, builds on the empirical evidence from Nepal and Myanmar, and moves towards conceptualisation. Chapter 7 conceptualises the contours of emergent power engagement as EPRCM and posits it as an alternative to liberal peacebuilding. It also draws conclusions about the broader International Relations question, as to how emergent powers will interact with the liberal world order. Chapter 8 discusses what the co-existence of EPRCM and liberal peacebuilding means, for the exclusive political settlements in Nepal and Myanmar.

Following a summary of the central arguments and findings of this thesis, an agenda for future research is proposed in the concluding section.

Part I: Conceptual and Methodological Framework

Chapter 1: Foreign Policies of Emergent Powers, Liberal Peacebuilding, and Political Settlements

The transition in the world order has heralded a new 'global marketplace', where countries outside the liberal core, often non-Western ones, are shaping the political transitions in conflict-affected states around the world (Carothers and Samet-Marram, 2015). By design or default, this expanded matrix of those internationally engaged in conflict processes (with all their varying motivations, incompatible views, and often competing influences) has a clear impact on domestic processes in post-conflict states (Carothers and Samet-Marram, 2015; Cheng et al., 2018; Meehan and Goodhand, 2018). Liberal peacebuilders, and international development programmes, have sought to design external interventions, to promote inclusive, democratic and accountable political orders in post-conflict states (Bell, 2015). However, even by default, international engagement, through modalities of developmental aid, processes of international legitimisation, and broader diplomatic relations, reshapes domestic power variables in general (Yanguas, 2017a). This siting of international engagement, as a critical intervening variable in domestic processes, is made even more pertinent in peace processes, when conflict-affected states are working to renegotiate the political distribution of power between previously warring groups, and even aiming to broaden the state-society contract as a whole (Menocal, 2015).

In this context, not only do international actors transcend from being referees to active players, who through their action (or inaction), impact the power dynamics of the country (De Waal, 2015); but elites, and other contending domestic groups, also seek international support to boost their advantage domestically (Khan, 2010). The questions that foreground this thesis need to be located within this interplay: between the *structure* of international engagement, with its varied motivations and priorities, and the *agency* of domestic actors to use this international engagement, in the highly-contested context of peace processes.

In this changing international context, it however becomes difficult to study the underlying motivations that determine Indian and Chinese engagement in conflict-

affected states, given that these states do not have peacebuilding policies as such (Call and De Coning, 2017). A thorough investigation of the nature of India and China's foreign policy priorities, and their regional policies is therefore called for. Consequently, this chapter begins by discussing India and China's prioritisation of sovereignty in their foreign policy, which is attributed to be at the root of their ambivalence and hesitance, on engaging with 'peacebuilding' as discourse and policy (Hurrell, 2006; Jiang, 2011). However, it then proceeds to discuss the changing nature of their foreign policy, which has negotiated a more lenient understanding of sovereignty, as well as to chart the elements of its regional foreign policy, which have routinely violated the commitment to state sovereignty. By the same token, in order to understand the interaction with, and impact of, emergent powers' engagement with liberal peacebuilding projects in Nepal and Myanmar, the second section maps the tumultuous journey of liberal peacebuilding, where both its commitment to liberalism, as well as its ability to 'build peace', is increasingly constrained. To understand the agency of domestic actors, in navigating plural forms of international engagement, the third section introduces the concept of political settlements. The fourth section binds the three concepts discussed above, through the concept of hybridity or hybrid peace structures (Mac Ginty and Richmond, 2016; Mac Ginty and Sanghera, 2012).

Emergent Powers in Peacebuilding Arena

The literature on how emergent powers engage on peacebuilding projects is nascent at best (Call and de Coning, 2017; Parlar Dal, 2018). The heterogeneity amongst emergent powers, such as India, China, Brazil, Russia, and South Africa, with their diverse political systems, uneven participation in global governance, varying military and economic strengths, as well as the absence of the same degree of solidarity found in Western states, makes it difficult to study patterns of their interaction in global governance (Cunliffe and Kenkel, 2016; Hopewell, 2015; Kingah and Quiliconi, 2016; Mahbubani, 2009; Pant, 2013; Wagner, 2012). More specifically, for India and China, multiple factors confound these efforts, including: unsettled border disputes; the historic legacy of the 1962 war; China's alleged support for Indian rebel groups in the 1960s; and China's opposition to India's candidacy for permanent membership to the

UN Security Council and the Nuclear Suppliers Group (Blah, 2018; Maxwell, 1999; Pant and Passi, 2017). More contemporary events such as India's informal emerging coalition with Japan, Australia, and the US as a counterbalance to China's dominacne, adds another layer of complexity (Acharya, 2007; Robbani, 2016; Stephen, 2012; Wohlforth, 1999). However, in the study of their approaches to conflict-management, there are convergences. India and China have been at the margins, in the discursive knowledge-building process on peacebuilding, as well as taking a 'backseat' in the implementation of peacebuilding projects, giving way for Western states and institutions to lead, and dictate, the process (Kühn, 2012; Lewis et al., 2018). While largely ambivalent to peacebuilding, in some instances these emergent powers have even sought to curtail the legal scope of related concepts, such as Responsibility to Protect (R2P) and Humanitarian Intervention, through their activism at the UN (Dalmia and Malone, 2012; Kozyrev, 2016; Kulshreshth, 2016; Kurtz, 2014; Zhenmin, 2009).

Despite a cautious approach by India and China, and the nascent scholarship on their 'peacebuilding' approach, there is an agreement that the role of emergent actors deserves far more recognition, than its relatively low profile at multilateral forums, such as the UN's Peacebuilding Commission, might suggest (Abb, 2018). They also merit greater recognition since these countries have lately tended to be critical players in several peace processes (Alden and Large, 2015; Cheng et al., 2018; Whitfield, 2012).

Indian and Chinese Foreign Policy: Centrality of Sovereignty

A normative focus on sovereignty is seen to inhibit emergent powers from engaging in such liberal interventionist projects like peacebuilding. Buoyed by the post-Cold War order, which posited 'shared sovereignty' as a way of dealing with international threats, mandates for international conflict-management tools like peacekeeping and peacebuilding depended on endorsement of external interference (Krasner, 2004; Pospisil, 2017). With a focus on re-structuring state institutions, strategies such as liberal peacebuilding necessitated an infringement of sovereignty (Chandler, 2006;

Lake, 2016; Zaum, 2003). Scholars of Chinese foreign policy concur that China does not favour peacebuilding, as it contradicts China's position on state sovereignty and non-intervention, its focus on development, and its aversion to a 'one-size fits all' approach (Alden and Large, 2015; Lei, 2011). Additionally, China's focus on social order, physical reconstruction, and an uncompromising role of the state in directing economic development, stands in contrast to the liberal peacebuilding project's focus on free market economy and democracy (Alden and Large, 2015). Similar caution is observed in India's stance on peacebuilding, which emphasises national ownership, a light footprint approach from external parties, and building national capacities (Singh, 2017). Unsurprisingly, speaking on the relevance of the Peacebuilding Commission, the Indian representative at the UN cautioned, 'This Peacebuilding Commission is, however, a relatively new body and it would be difficult for us to come to the conclusion that its utility stands proven' (Mukerji, 2014).

A focus on sovereingity is also core to the foreign policy articulations of both India and China, despite differences and inherent competition between the two. Their foreign polices have historically focused on the Five Principles of Peaceful Co-existence (known as Panchsheel in India). These include: peaceful co-existence, equality, mutual interest, mutual respect for state sovereignty and territorial integrity, and non-interference in the internal affairs of the other party (Narayanan, 2004). Despite changes in external and internal contexts, in general these norms are routinely cited in their foreign policy statements (Xue, 2007; Zhengqing and Xiaoqin, 2015). Adherence to sovereignty, and non-intervention, has meant that there are strong complementarities between China and India, on such related issues as peacekeeping, humanitarian intervention (Sullivan de Estrada and Foot, 2019), climate change and global trade negotiation (Pant, 2013).

In their early years, the foreign policies of India and China prioritised these norms, due to several factors, such as: a history of colonialism, the prioritisation of autonomy in their foreign policies, and their identities as leaders of the post-colonial developing world (Choedon, 2015; Patrick and Thaler, 2010; van Ness, 1998). This support for sovereignty-centred norms was substantiated by concerns about their own domestic

conflicts being internationalised, such as the unrest in Kashmir and in Xinjiang (Choedon, 2017; Ganguly and Pardesi, 2009; Hall, 2013; Ogden, 2017; Pillsbury, 2012; Wang, 1999). This adherence to sovereignty has meant that India and China have advanced state sovereignty as sacrosanct (Walder, 2015), and thus advocated for countries to have the right to choose their own system of governance and pathways for development, without international intrusion (Information Office of the State Council, 1998). Accordingly, they have overlooked the internal affairs of states, thus maintaining friendly relations with all regimes, however rogue or repressive (Narang and Staniland, 2012).

This intense focus on sovereignty, not only contradicts the standardised liberal internationalist vision, which privileges certain regimes, and pathways for development (Carothers 2007), but often even designates liberal internationalism as being a facade for Western interference in the domestic issues of weak states (Holslag, 2011). It is the case that, when liberal internationalists call for democratic reforms within countries, emergent powers call for inclusive and democratic international order, and which adapts to divergent pluralist values (Hurrell, 2018; Noesselt, 2014; Yahuda, 2007). Consequently, emergent powers have sought to undercut proposed international action against 'rogue' states, as well as constrain the development of normative regimes, seeking to dilute the norm of state sovereignty (Andornino, 2012). The former is evident in cases such as Rwanda and Cambodia, where China vetoed against international action, arguing that it was an 'internal affair' (Seymour, 1998; Wan, 1999). The latter is evident in India and China's successful advocacy for limiting the mandate of R2P, making it conditional on the consent and request of the affected country, and to be deployed only in specific circumstances, like genocide, war crimes, ethnic cleansing, and crimes against humanity (Dalmia and Malone, 2012; Kozyrev, 2016; Kulshreshth, 2016; Kurtz, 2014; Zhenmin, 2009).

The centrality of sovereignty in Indian and Chinese foreign policy does continue to hold, and also impact their interaction with the liberal world order. But to limit the study of Indian and Chinese foreign policy, to the discursive toolbox of sovereignty, leaves two critical gaps, pertinent to an understanding of their engagement in peace

processes in their regions of influence. First, the focus on 'sovereignty' obscures the evolving character of Indian and Chinese foreign policy, where their increased global interactions, as they have risen, have compelled them to renegotiate the norms of absolute state sovereignty. India and China have increasingly integrated into, socialised with, and cooperated within, different multilateral bodies of the liberal order. These actions are seen to be critical to their economic rise and global position (Bava, 2017; Johnston, 2003). In this constant negotiation with the world order, largely shaped by liberal values and norms, India and China have accepted some values while rejecting others (Noesselt, 2014). Secondly, while India and China have championed the sovereignty norm in global forums, in their regional engagement they have regularly reneged on their commitment to respect sovereignty, often taking on highly interventionist avatars (Mohan, 2007; Womack, 2011). This chapter now turns to a brief examination of these disparities.

Evolving Priorities of Indian and Chinese Foreign Policy

The rise of India and China, their growing interaction with actors and institutions of the liberal world order, has left emergent powers with a fundamental tension. They are caught in between forging alliances with the Western world, and therefore partly championing liberal values, which has been economically beneficial; or continuing as flagbearers of the post-colonial developing world, and forming an anti-Western lobby (Breslin, 2013; Mohan, 2007). And, while emergent powers are seen to be taking a middle ground between these choices, their rise has created both domestic and international conditions that necessitate fundamental changes in their foreign policies. These changes compromise not only their stance on absolute state sovereignty, but also call for increased engagement with elements of the liberal world order.

Firstly, in their pursuit of a continued rise in power, India and China have been compelled to forgo the ideological dogmas of their foreign policies, and adapt a pragmatic stance in order to further their ambitions. Accordingly, the ideological tone of their foreign policies, marked by their cheerleading agendas of decolonisation,

global disarmament, non-alignment, and international communism, has waned (Bhalla, 2012; Ganguly and Pardesi, 2009; Guha, 2008; Lampton, 2013; Mukherjee and Malone, 2011; Pye, 1986; Zhao, 2004a). Indian and Chinese foreign policies now prioritise core interests, pragmatically adapting to changing political situations, thus bringing variations in foreign policy responses, across time, and across issue areas (Miller and De Estrada, 2017).

For China, a 'pragmatic' drive has allowed for flexible interpretation of principles like 'non-intervention' (Sørensen, 2019). It has treated political and security issues on a 'case by case' basis, while sticking to the rules of the liberal order on the economic front (Sutter, 2012a). This has allowed Chinese foreign policy to balance between international norms, and China's long-held foreign policy principles, such as sovereignty and non-interference, to suit its domestic national interests (Hirono et al., 2019; Sørensen, 2019; Xiao, 2011). China's increased peacekeeping contribution and provision of combat troops (Alden and Yixiao, 2017; Foot, 2014); its support for the American role in Afghanistan, given the complementarities on the War on Terror (Lam, 2006) all testify to this pragmatism (Xiao, 2011). China's concessions and reforms on the human rights regime, and the articulation of its own version of human rights, which focuses on the right to survival and development, highlight its pragmatic inclinations (Foot, 2012; Permanent Mission of the People's Republic of China to the UN, 2005). All of this is reaffirmed by the absence of any reference to the Five Principles of Peaceful Coexistence in the 2015 Defence White Papers (Sullivan and Erickson, 2015).

In the same way, it has also enabled India to have one foot in the 'developing world', and another in the world of advanced economic and military powers (Cohen, 2001) opening avenues for strategic partnerships with Western states, like the US, while not entirely forgoing its tested relationship with the 'developing world' (Sridharan, 2017). A core feature of this pragmatic turn in India's policy, is the absence of 'clear-cut statements and categorical stances on important global issues', which were a feature of the Nehruvian era (Mallavarapu, 2010).

The pragmatic change of direction underlines the 'ideological deficit' (Mehta, 2009) and the indeterminacy in Indian and Chinese foreign policy. However, it demonstrates that, while both India and China still have a more conservative take on norms of sovereignty and non-intervention than their Western counterparts, their adherence to these norms is increasingly malleable, and is based on their core interests (Foot, 2012; Liu and Zhang, 2014): factors which can open possibilities to engagement on international conflict management.

Secondly, while still selective and uneven, there has been an increased integration of India and China into different multilateral trade, security, and other global governance regimes, opening avenues for greater multilateral engagement on issues of peace and security. For India, the history of multilateralism has been cyclical: early years of active diplomatic engagement with the world (Basrur, 2010), followed by a retreat, in light of the UN's role in dispute resolution in Kashmir, and the failure of countries of the non-aligned movement to condemn China in the Sino-India war (Ganguly and Pardesi, 2009; Malone, 2011). However, post-Cold War, while India's domestic economic liberalisation compelled it to engage with the International Monetary Fund and the World Bank, to overcome domestic financial crisis, the dissolution of its ally, the Soviet Union, obliged India to diversify its partnerships to the West (Stuenkel, 2013). India, since then, has been a leading voice in such multilateral forums as the World Trade Organisation (Chen, 2011; Das et al., 2016; Efstathopoulos and Kelly, 2014), and the UN, championing issues of nuclear proliferation, terrorism, climate change and reform of the UN Security Council (Anant, 2015; Economic and Political Weekly, 2011).

Similarly, China's engagement with multilateralism has progressed through various stages: from virtual isolation during the Cold War, to a wariness in the early post-Cold War years, and then an active involvement since from the mid-1990s, when its membership of international organisations has seen a meteoric increase (Johnston, 2003; Liqun, 2008). Factors, such as China being represented at the UN by Taiwan until 1971, and China being the target of collective security decisions, during the Korean peninsula crises, dampened early prospects for multilateralism (Wang, 1999).

UN membership in 1971, and the opening up of the economy, in the late 1970s, bolstered China's integration into the global political economy, providing an impetus to multilateralism (Foot, 2014; Sullivan de Estrada and Foot, 2019). The belief that China's growth is connected to high degree of interdependence, and the acknowledgement that the new security challenges (terrorism, transnational crimes, drugs, and epidemics) need multilateral action, all anchor China's pursuit of multilateralism (Breslin, 2013). Chinese official documents today reaffirm its faith in multilateralism, positing the UN as the sole actor for the authorising of collective action, on matters of international peace (Information Office of the State Council, China, 2015, 2000; Patrick and Thaler, 2010; Roy, 2003).

Highlighting this increased multilateralism however, should not fail to note its uneven nature. India's distrust of the international community (Narlikar, 2006); its concerns about autonomy in decision-making (Mishra and Kumar, 2013; Pande, 2018); and its historic identity as a developing country (Choedon, 2010) have hindered further multilateral partnerships. Similarly, China's unilateralist stance on issues of core interest (Katzenstein, 2000), its limiting of its multilateral efforts to economic as opposed to political matters (Wang, 1999), and its muscular bilateral regional policies, have all impeded any further multilateralism (Alden and Yixiao, 2017; Hughes, 2016; Jackson, 2016). India is also seen to be relaxed on multilateral engagement on counter-terrorism, piracy, and peacekeeping (Chitalkar and Malone, 2015; Hirono et al., 2019), but uncomfortable with the discourses of peacebuilding, or humanitarian intervention (Aneja, 2014; Mukerji, 2014). This has led scholars to see China to be 'both integrating with and differentiating itself from the international community' at the same time (Carlson, 2012). However, despite the uneven nature, China and India have sought to reinforce multilateralism, not only for their economic growth, but also as a defence against the US, or Western, unilateralism (Mukherjee and Malone, 2011; Roy, 2003).

Thirdly, the push for economic growth and development, has seamlessly linked India and China's domestic priorities with their foreign policies, forcing more cooperation and interdependence (Mohan, 2015; Wang, 2011). After the liberalisation of the

Chinese economy in 1978, and the erosion of Marxist ideology, development is configured as the source of legitimacy, to compensate for an antiquated political system (Shirk, 2007; Wu, 1999; Yahuda, 1995). Similarly, in India, after liberalisation in the early 1990s, development, focused on growth, infrastructure, and connectivity, is seen as a priority (Jaishankar, 2015). This focus on growth is typified by the current Modi government, whose foreign policy has sought to prioritise India's economic interests and national development (Mohan, 2015).

Domestically, the focus on development is seen to be central, not only to their rise, but also as a conflict-resolution mechanism: a route to the quelling of violence, and the pacification of dissatisfied social groups. Euphemised as 'developmental peace', this narrative of development and growth is deployed to control and integrate minorities, in areas like Tibet and Xinjiang (Cooke, 2003; Fravel, 2005; Paperny, 2008). Similarly, conflict-resolution efforts in India's North-Eastern states and Kashmir, have been centred on counter-insurgency and development, in the form of the extraction of natural resources, infrastructural development, and the boosting of cross-border trade (Fareed, 2018; Mcduie-Ra, 2009). This developmental focus was reinforced by India's representative at the UN, who, in 2012, argued for development to be the 'central pillar' of human security (Hansel & Möller, 2015, Pg 88).

The focus on development compels Indian and Chinese domestic priorities to become interdependent with their foreign policy priorities, further coercing them to engage aggressively globally on a variety of issue-areas, and often in conflict-affected settings. Continued development demands a stable external environment, providing sustained access to external consumers, products and resources (Buzan, 2014). Development has also made issues, such as energy security, a high priority in China and India (Sikri, 2010; Sutter, 2012a). This has required them to venture out for transnational economic interests, often in conflict-affected parts of Africa and the Middle East (Breslin, 2013; Daojiong and Breslin, 2012). This interdependence, buoyed by their quest for development, has connected core security interests of countries, like China, to international threats and regional turmoil, terrorism, piracy, serious natural disasters and pandemics (Information Office of the State Council, China, 2015).

In practice, this impetus for development extends the 'governance frontier' of emergent powers beyond their territories, with an immediate impact on neighbouring countries (Hameiri and Jones, 2016). Domestic policies, such as the Great Western Development campaign, or China's drug control strategy, which has focused on developing border-provinces like Yunnan has a cross-border impact in such neighbouring states as Myanmar, through extension of development aid, subsidies, and infrastructure projects (Clarke, 2016; Su, 2013a). Similar increased cross-border flows have been faciliated by India's grant and loan commitments, often centred on connectivity and infrastructure (Singh, 2018), of which over 80 per cent are made to neighbouring South Asian countries (Roychoudhury et al., 2015).

Fourthly, the rise of India and China, has led to increases in the number of actors in the design and delivery of foreign policy, as their matrix of priorities has increased. It is now being questioned if Indian and Chinese foreign policies can have a centralised or uniform direction, and if, in their implementation by several actors, they conform to the original policies designed by Beijing and New Delhi. Growing pluralisation means that participants might oppose a more responsible foreign policy, or try to avoid the attendant costly restrictions, making it difficult to determine the direction of their foreign policy (Daojiong and Breslin, 2012; Kleine-Ahlbrandt and Small, 2008).

In India, foreign policy-making is seen to be centralised, within the individual domain of the Prime Minister at Central government level (Menon, 2016). However, several factors ensure that its foreign policy implementation, if not its policy-making, is increasingly pluralised (Malone and Mukherjee, 2010; Pande, 2018; Sikri, 2014). Not least of these factors is India's monumental bureaucracy, and centre-state relations, combined with its democratic polity, which relies on political coalitions of different ideological hues, and often with regional parties. Thus, provinces, political parties and their ideologies, and bureaucratic institutions have become important variables in understanding Indian foreign policy (Ogden, 2014).

While the importance of provinces in foreign policy-making is a work in progress, Indian border states, such as Uttar Pradesh, Tamil Nadu, West Bengal, Bihar and Punjab, with a shared ethnicity, geography and economic dependence with their neighbouring states, have vetoed key foreign policy decisions (Gupta, 2010). India's federal structure provides for issues like water sharing to be a prerogative of the states, which makes provinces pivotal in foreign policy issues, that feed into economic, social, cultural and environmental spheres (Tharoor, 2016). The growing acknowledgement of the role of provinces and states in foreign policy-making, is evidenced by the recent creation of the State's Division within the Ministry of External Affairs (Jacob, 2016). Similarly, although India's diverse political parties have not imposed new arguments on to the foreign policy agenda (Ganguly, 2014), nevertheless they have acted to overrule legislation in some instances (Narang and Staniland, 2012). The protest of the Communist Party of India (Marxist), which had supported the United Progressive Alliance (UPA) coalition (2004-2014), against the Indo-US nuclear deal, thus threatening to bring down the government, is illustrative of this. Further, trade lobbies, civil society and religious groups, all can serve as bottom-up pressure points, as the later chapter on Nepal demonstrates.

Similarly, in China, a greater pluralisation in foreign policy has seen government control of it subside, in turn creating space for competing financial institutions, energy companies, think tanks, media and provincial governments to claim their stakes (Jakobson and Knox, 2010; Liqun, 2008). The sheer expansion of the sphere of China's international engagement, covering issues such as energy, arms, and trade, has made the process of pluralisation more evident (Jakobson and Knox, 2010). Growing decentralisation has meant that many provinces in practice are left on their own, on such salient policy issues as trade, rather than being ruled by the centre (Zheng, 1997). Provincial government adopts national rules to suit their local challenges, bringing variation into the practice of foreign policy (Antholis, 2013). This variation makes it difficult for foreign policy, decided in Beijing, to be implemented by provinces in its totality. This tendency is more evident in provinces that border other countries, including, Yunnan province, which borders Myanmar, Vietnam, and Laos. Given the border connectivity, and the resulting social and economic interaction, there have been

instances where provincial authorities, and other non-state entities, have undercut Beijing's foreign policy. For instance, central government policies have on many occasions been flouted by the Yunnan government, when the interests of the two have collided (Li and Lye, 2009). This pluralisation of policy-making also arises from the narrow interpretation of foreign policy in China, where foreign policy is seen to be exclusive to diplomacy, or negotiations led by government bodies, such as the Ministry of Foreign Affairs, and overlooks military and trade issues (Bachman, 1998).

These four factors, have not only compelled Indian and Chinese foreign policy to veer away from sovereignty-related concerns, but have injected new variables, all of which are pertinent to understanding their engagement on issues of peacebuilding, and their interaction with the region.

Regional Foreign Policy: Motivations for Engaging in Conflict Management

Along with the evolving priorities in Indian and Chinese foreign policy, an assessment of their identities as 'regional powers' is needed in order to understand the nature of their engagement in peace processes. India and China have a time-tested identity as regional hegemons, determined by geography, history, size, population, as well as their asymmetry in levels of economic growth, technological and infrastructural advances, in South Asia and Southeast Asia (Breslin, 2013; Padukone, 2014). Regions are also central to their historic self-understanding (Hurrell, 2006). Further, with immediate security, economic and political considerations at stake in the region, the respect for state sovereignty has rarely featured. Examples include China's efforts to export Communist ideology across the region during the Cultural Revolution; its support for armed communist insurgencies, and coups against established governments; and finally its political manipulation of Chinese nationals living overseas across Southeast Asia (Shambaugh, 2004). Similarly, in 1971, India supported the independence movement, which led to the creation of Bangladesh, citing it being on 'humanitarian grounds'. Its absorption of the then independent Kingdom of Sikkim as a part of India in 1975; and the 1987 deployment of the Indian Peacekeeping Force in the Sri Lankan

civil war (Chattopadhyay, 2011; Mansingh, 1984) demonstrate not only a disregard for sovereignty but, in the cases of Bangladesh and Sri Lanka, also illustrates its usage of liberal norms, to infringe the sovereignty of neighbouring states.

Their identity as regional powers strongly influences the pathways they choose to exercise their authority, and the diverse strategies they employ to maintain regional hegemony (Destradi, 2010a). These strategies have become increasingly critical, as there is a recognition of 'regions' being both an opportunity and a constraint for their rise (Glosny, 2016; Khilnani et al., 2012; Rajagopalan and Sahni, 2008).

India and China as 'Regional Powers'

China's identity as a contested 'regional power', with Asia-Pacific as its 'backyard', looms large in Chinese strategic thinking (Poh and Li, 2017; Womack, 2011). Unlike India's presence in South Asia, China's pursuit of dominance sits uncomfortably alongside the entrenched US presence in the region (Whiting, 1997). Historic factors, such as the tributary system, where neighbouring states acknowledged the supremacy of China's rulers in return for non-interference (Hevia, 2009; Womack, 2011), and support for armed Communist insurgencies, has complicated China's regional engagement (Shambaugh, 2004). Further, contemporary territorial disputes, especially in the South China Sea, and economic competition, in addition to asymmetry in military capabilities, have defined China's regional foreign policy (Sutter, 2012a). While Chinese leaders maintain their rise as 'peaceful' and non-threatening, China's growing military expansion has made their neighbours wary (Wills, 2011). What thus defines China's regional policy can be read as a two-track policy: growing interconnectedness in trade and investment, and an assertive position in contested maritime disputes (Dittmer, 2014).

Similarly, there is a broad consensus that India is a regional power (Ayoob, 2000; Cohen, 2001; Perkovich, 2003; Robbani, 2016; Sahni, 2007). This is given its insulated compact geography (Padukone, 2014), its historically derived sense of centrality, where the British ruled much of the sub-continent from its centre in India (Mehta, 2009; Pande, 2018), and the asymmetry between India and its neighbours, in

terms of population, economic growth, and military expenditure (Sahni, 2007). Further, the foreign policies of all of its neighbours are orientated towards dealing with India (Behuria et al., 2012; Muni, 2003; Sikri, 2014).

Elements of Regional Policy

To reign in the region as hegemons, and influence the regional context to support their interests, the foreign policies of India and China, despite variations, have three common elements, which have shaped their regional engagement (Gill, 2005; Mohan, 2005; Tanham, 1992).

Firstly, combating extra-regional influence in their regions has been core to India and China's regional policies. Extra-regional influence is perceived, not only as a threat to their own dominance, and a source of instability, but also as a variable facilitating neighbouring states to gain an equal footing, by aligning with an external third party.

In India, foreign policy elites largely view South Asia as one strategic unit (Tanham, 1992). As a result, India not only hopes to play the role of peacekeeper, but also expects to be acknowledged for this role in the region (Tanham, 1992). Extra-regional powers, such as the US and China, have been seen to be manipulating neighbouring states, in order to destabilise India's regional dominance (Mansingh, 1984; Muni, 2003). It is argued, that an emerging India no longer considers third-party influence in the region as detrimental to its interests (Behuria et al., 2012). Nevertheless, there persists a certain unease with third party presences, on sensitive issues such as conflicts and peace processes (Martin, 2012; Sørbø et al., 2011). Due to this, despite increased global multilateralism, India appears to be loath to seek multilateral solutions regionally. India has also tended to see regional multilateralism, as a possible mechanism for India's smaller neighbours to contain India, and has preferred bilateral diplomacy (Menon, 2013; Saran, 2005; Sikri, 2014). Equally, a core reason for India's apprehension about subscribing to different international norms, is due to the implications this might have on its options in the region (Khilnani et al., 2012).

While China's rise, along with the decline of the West, is seen to have constrained the US role in the region (Xuetong, 2001; Zicheng et al., 2011), there is an articulated desire to maintain the region's autonomy (Goldstein, 2005). This focus, was expressed by Chinese President Xi at the 4th Conference on Interaction and Confidence Building Measures in Asia Summit in 2014, as 'it is for the people of Asia to run the affairs of Asia, solve the problems of Asia and uphold the security of Asia' (Xinhua News Agency, 2014). Accordingly, since 2001, China has actively promoted Asian multilateral forums that exclude the United States (Cheng, 2013; Saunders, 2006), as well as worked to make Southeast Asian countries 'reassess their basic stance on relations with the great powers', albeit with limited success (Haacke, 2002).

A crucial factor, however, is the intra-regional competition between India and China. China's increasing presence in South Asia, and its competition for resources and political influence, has defined India-China relationship (Mohan, 2007; Pant and Super, 2015). Amid this competition, South Asian countries have invoked China to redress their asymmetry, and gain relief from political-economic pressures from India, much to India's alarm (Ayoob, 1991; Bhandari and Jindal, 2018). With China being the dominant concern for India, scholars argue that there will be a growing convergence between India and the United States (Xavier, 2019). This, however, is framed as more of a point of connection with the US, rather than a formal alliance (Khilnani et al., 2012).

Secondly, promoting regional stability is highly prioritised in Indian and Chinese foreign policy. 'Region' is seen both as a source of instability, and a key to stability. India's volatile region is 'core to its security calculus' (Gupta, 2018, Pg 18). Concerns about instability in neighbouring countries seeping into the Indian borders; the collusion between domestic and transnational threats; and extra-regional intervention fostered by regional insecurity: all loom large (Malone and Mukherjee, 2010). Instances of the flow of refugees from East Pakistan before the 1971 war; China's support to Naga rebels in North-East India, in their campaign against the Indian state; combined with India's qualms about the issue of the internationalisation of Kashmir, serve as salient reminders. Regional events are seen as intrinsic to India's own security,

as highlighted by Indian Prime Minister Indira Gandhi, when she stated during the war in East Pakistan (later Bangladesh): 'what is happening in Bangladesh does have many-sided repercussions on our internal affairs….this cannot be considered merely as an internal problem of Pakistan' (Gandhi, 1975). With the focus on India's growth, regional stability and the management of relationships with its South Asian neighbours, are seen as pre-requisites for its continued rise (Khilnani et al., 2012).

Likewise, in China, the quest for stability is sacrosanct (Lampton, 2013). Chinese history has judged the legitimacy of a regime, by its ability to provide stability and prosperity (Gill, 2010; Holslag, 2011). Concerns relating to internal turbulence, with ethnic protests in areas like Tibet or Xinjiang, as well as the newer security concerns of terrorism, organised crime, drugs, energy, environmental issues, and infectious diseases matter a great deal (Buzan, 2014). Further, ethnic unrest like in Xinjiang, benefitting from the support from neighbouring countries, makes the concept of 'region' important in Chinese strategic thinking (Zicheng et al., 2011). Bordering countries, thus, exert a vital influence on China's unification and territorial integrity (Zicheng et al., 2011). Concerns over stability introduce conflicting patterns of interactions. One the one hand, intricate regional disputes like the South China Sea, or the disputed islets of Senkaku and Diaoyu, are seen to have made China more assertive in its foreign policy towards its regional neighbours. However, on the other hand, there has been increased cooperation to combat cross-border threats of regional drug production, and trafficking (Haacke, 2002).

Lastly, both India and China have sought to influence policies in neighbouring countries to suit their own interests, directly and indirectly. China's ability, to enhance its influence in the region, is strengthened by its dominance in regional trade: where it has leveraged increased commerce, trade, and infrastructural links, to serve its broader political and economic objectives (Sampson, 2019). Through trade, investment, and aid, China has also tried to address the 'China threat' narrative, and promoted itself as a benign rising power (Suzuki, 2012). For instance, during the Asian economic crisis of 1997, when western investors pulled out of East Asia, China held on and supported Association of Southeast Asian Nations (ASEAN) states by not devaluing the yuan

(Jiang, 2011; van Ness, 1998), thus earning the goodwill of these states. Politically, China has sought to secure support from regional neighbours for its proposals for regional cooperation and global governance reforms, as well as oppose resolutions seeking to pressurise China (Glosny, 2016).

India's influence in the region has been more direct and overt: influencing the domestic politics in the region, in a bid to protect its interests. Indeed, to its neighbouring countries, India is a domestic constituency, able to influence their domestic political equilibrium (Muni, 2003). India has used development aid, concessions, threats, political transformation, coercion and military intervention to influence the policies of neighbouring states (Wagner, 2005). India is routinely accused of supporting 'pro-Indian' constituencies, and shaping the domestic politics of its neighbours, in a manner more conducive to its strategic and political interests, while neglecting comprehensive regional cooperation (Sahni, 2016). Not surprisingly, while India insists that it is not a threat, its neighbours have not been accepting of this idea (Tanham, 1992), and have interacted closely with extra-regional powers, at bilateral or multilateral levels, to reduce any dependence on India (Upreti, 2005). As India rises, it has been focused on reassuring its neighbours, that it presents an opportunity for their growth, rather than being a threat (Saran, 2005).

In summary, while emergent powers are still influenced by a stricter interpretation of sovereignty, an understanding of the evolving patterns in their foreign policies, in addition to elements of their regional policies, are both pertinent to understanding the engagement of emergent powers on peace processes in neighbouring states. The inherent tensions between these varying foreign policy priorities, as well as their unpredictability, given their gradual evolution, undergirds the complexity of their engagement, in such countries as Nepal and Myanmar.

Liberal Peacebuilding and its Rise and Fall

In conflict-affected states in South and Southeast Asia, the engagement of India and China in the region sits alongside third-party engagement. Liberal peacebuilding

projects are routinely invoked, by domestic elites in these countries, to support peace processes. Similar to the policies of emergent powers, liberal peacebuilding as a concept has also changed, having mutated in its normative foundation, relevance, and effectiveness (Chandler, 2017). Despite its 'liberal' prefix, it has had to rely on illiberal and coercive means to realise its aim of forming liberal states, as well as having to accommodate hybrid forms of peace, embodying both liberal and illiberal features, and which have become the most prevalent outcome of peacebuilding projects (Belloni, 2012; Chandler, 2006; Mac Ginty and Sanghera, 2012; Richmond and Franks, 2009). To understand, how alternative forms of 'peacebuilding' such as the engagement of India and China, interact with liberal peacebuilding, it becomes important not only to understand its normative foundations, but to trace its journey, from its initial conceptualisation, to how it materialises in practice today, in its skeletal form as 'technocratic projects' (Pospisil, 2019).

Origins and Expansion of Liberal Peacebuilding

Contravening the concept of sovereignty, which had dominated the international legal system and the UN charter, the end of the Cold War, and the triumph of liberalism in the early 1990s, heralded the rise of liberal internationalism (Zhang, 2016). Liberal peacebuilding projects evolved as a product of this time, forming a core pathway, through which the West, along with the UN and multilateral institutions, supported post-war transitions to peace (Mac Ginty, 2011).

The underlying logic of peacebuilding, driving its engagement, is the understanding that liberal values are intrinsically peace promoting, as proven by the experience of the West. Liberal peacebuilding, thus, is founded on mutually reinforcing nature of democratic government and market economy, and their concomitant pacific implications for domestic and transnational security (Chandler, 2006; Jahn, 2007; Richmond and Franks, 2009; Zaum, 2003). The origins of liberal peacebuilding, as a global project, can be traced to the UN's Agenda for Peace report, which defined peacebuilding as: actions to 'identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict' (Boutros-Ghali,

1992). The report also scoped peacebuilding's comprehensive mandate to include: disarming warring parties, the custody and possible destruction of weapons, the repatriation of refugees, election monitoring, protecting human rights, and strengthening governmental institutions (Boutros-Ghali, 1992). A supplemental report focused on the collapse of state institutions in conflict-affected states, and called for prioritising the re-establishment of effective government, bringing the focus on to statebuilding (UN General Assembly, 1995). The reports, with their focus on peacebuilding and statebuilding, set the stage for international engagement to re-engineer state institutions, through wide-ranging activities, in order to address the root causes of conflict (Barnett and Zürcher, 2008). With this momentum for negotiated settlements of conflicts, the international community has engaged in a variety of conflict resolution activities, encompassing both heavy-footprint and multi-mandate roles, and often undertaking interim administrations of countries, as well as supplying low-footprint peace support (Bell, 2017a).

Since the early 1990s, peacebuilding has been engrained into varied missions, such as: the UN Observer Mission in El Salvador, the UN Transitional Authority in Cambodia, the UN Operation in Somalia, the UN mission in Haiti and the UN Protection Force in Yugoslavia in 1995, amongst others. This swift adoption of peacebuilding has also percolated beyond the confines of the UN, with many multilateral bodies, Western states, NGOs, and regional organisations, cultivating peacebuilding into profiles of their work (Autesserre, 2009; Barnett and Duvall, 2005; Jenkins, 2013; Paris, 2004). The rapid uptake of the concept, and the resulting proliferation of operations on the ground, did institutionalise peacebuilding, but also led to the concept of peacebuilding being over-streched. Peacebuilding ballooned to become so general, that it included all forms of international assistance to countries seeking to transition away from conflict (Cousens, 2001).

Despite the uptake and the expansion of the concept, its impact has been dwindling at best. Taking stock of peacebuilding's effectiveness, a modest conclusion has emerged: peacebuilding projects have helped end conflicts, but have failed to bring 'peace', or transform states into 'liberal' ones (Barnett and Zürcher, 2008; Doyle and Sambanis,

2000). More so, myriad unintended impacts, and shortcomings, of the 'project peacebuilding' have surfaced, as will be discussed in the next section. Peacebuilding, thus, has had a tumultuous journey, marked by an initial decade of euphoria, and increased deployment in practice, only to be followed by pessimism, and resistance (Chandler, 2017; Pospisil, 2019).

Away from its 'Liberal' Core in Practice

In the three decades since its conceptualisation, the commitment of liberal peacebuilding to liberalism, as well as its effectiveness in building peace, has been questioned. Despite its liberal facade, scholars have routinely called out the illiberal foundations of peacebuilding. With roots in Western political thought and experience, it is Eurocentric at best, and is further privileged by the western hegemony in knowledge production and policy, given the Western domination in the global governance architecture (Barnett and Duvall, 2005; Jahn, 2005; Kühn, 2012; Lewis, 2017; Sabaratnam, 2013). Along with questions on the appropriateness of Eurocentric prescriptions to non-Western contexts, peacebuilding is said to have created a divide between 'liberal' and the 'other', often marginalising alternative non-liberal sources of agency (Kappler and Richmond, 2011; Layne, 1995; Richmond, 2015). The marginalisation of other non-liberal forms of governance has come at the cost of ideational pluralism (Yaqing, 2015). Beyond the normative critique, the illiberal and coercive avatar, that peacebuilding has had to adopt to 'bring peace', in places like Iraq and Afghanistan, have led to concerns about liberalism's mutation into illiberal forms (Tadjbakhsh and Richmond, 2011).

Further, it is increasingly being recognised that the comprehensive aim of a 'liberal state' is unlikely to be realised. Empirically, hybrid peace, brought about by the interactions between international and local versions of peace, imbibing both liberal and illiberal forms, is the most likely outcome, and alternative, to liberal peace (Jarstad and Belloni, 2012). However, scholars argue that hybrid forms that 'compromise' on liberal ideals, and consolidate the status quo, are the most likely outcomes of peacebuilding (Barnett and Zürcher, 2008). Thus, on the ground, liberal peacebuilding

is intrincically compromised, and cannot exist in other ways.

Yet another core operational challenge, for liberal peacebuilding, is the absence of coherence and homogeneity, in defining what peacebuilding is (Zaum, 2012). The sheer numbers, and wide dispersal, of 'peacebuilding' actors, and the various concepts peacebuilding seeks to embed, makes it challenging to integrate different dimensions of the peacebuilding paradigm, and uniformly apply it in practice (De Coning, 2009). For instance, while some peacebuilding actors, such as the North Atlantic Treaty Organization (NATO), privilege 'stabilisation and peace support', others like the European Union (EU), give credence to 'civilian crisis management', and meanwhile the African Union prioritises 'post-conflict reconstruction and development' (Chetail, 2009). Similarly, peacebuilding's prospects are further complicated by the contradictory nature of different peacebuilding themes. Witness such examples as: elections versus peace, transitional justice versus stability, and stability versus inclusivity (United Nations, 2015a). The division of peacebuilding, into opposing themes, has also resulted in the various strands of liberalism being at odds, when 'peacebuilding' is being conducted on the ground. For instance, peacebuilding is said to have paradoxically displaced older liberal values of welfare, so critical in countries overcoming prolonged conflicts, replacing them with ill-suited neo-liberal values (Newman et al., 2009).

Another shift has been in the actual motivation that has anchored peacebuilding conceptually. The context for understanding conflicts changed radically after the attack on the United States on September the 11th, 2001. Discourse on terrorism dominated, and subsequently positioned fragile states as global threats, in need of international support to enact their statehood (Fukuyama, 2004). The focus was no longer centred on building liberal societies, but on strong states and institutions, making peacebuilding highly securitised, with much greater attention devoted to building up the state's capacity to monitor, prevent, and respond to security threats (Barnett, 2006; Duffield, 2014; Menkhaus, 2014). While the 1990s hallowed the state, with debates on human security, human rights, and peacebuilding, in contrast, the 2000s were about bringing the state back into line, with discourses on statebuilding

(Chandler, 2006). A minimally-functioning state was seen to be a pre-requisite for any form of peacebuilding, thus privileging statebuilding over peacebuilding (Ghani, 2008). Thus, despite the inherent contradiction between the two, in that statebuilding supports states to monopolise the means of coercion and power; while liberal peacebuilding seeks to tame the power of the state, by building strong liberal societies, both were seen to be a part of a sequence, and simultaneously deployed (Barnett, 2006; Chandler, 2006; Fukuyama, 2005).

A core reason attributed to peacebuilding's ineffectiveness is its inability to understand the context, and respond to contextual needs of conflict-affected states (Barma, 2017; Barnett and Zürcher, 2008; Da Costa and Karlsrud, 2012; Mac Ginty, 2010; Pouligny, 2006; Richmond, 2015). The Report of the High Level Independent Panel on United Nations Peace Operations accurately diagnoses that, 'changes in conflict may be outpacing the ability of UN' to respond (United Nations, 2015b, Pg. VII). This inability arises, in part, due to the reliance on a standardised template, of how to bring 'peace', with similar macro-level components applied to varied contexts, instead of tailoring interventions to the specific needs of the country (Mac Ginty, 2008). This solution-based, pre-determined template is reaffirmed by a set sequence, which peacebuilders have put in place. As De Groof, notes, 'First, mediators achieve a peace agreement, ...followed by a limited 'Transition' period, often accompanied by temporary power-sharing arrangements …(then) a new constitution is drafted and adopted. The culmination is the holding of new and democratic elections…' (De Groof, 2019). Similarly, others argue that the inability to address contextual challenges is due to the requirements of Western donors' funding modalities being incompatible with the fluidity, and indeterminacy, of post-conflict contexts (Phillips, 2016). A related critique attributes the shortcomings of peacebuilding to its inability to take the local 'agency' of social groups more seriously (Barma, 2017; Barnett and Zürcher, 2008; Mac Ginty and Richmond, 2013). Concerns about the elites' capture of the benefits of peacebuilding, and the resistance of elites to peacebuilders, in addition to peacebuilding being scapegoated for failures of domestic constituencies, all loom large (Barma, 2017; De Waal, 2009; Pouligny, 2006). The agency of domestic elites enables them to shape, resist, and react to peacebuilding to suit their interests, leading to hybrid

or compromised outcomes, instead of untainted 'liberal' ones (Barnett and Zürcher, 2008; Mac Ginty, 2011, 2010; Mac Ginty and Richmond, 2013).

All actors involved, including recipients, have repeatedly raised the pervasiveness of such shortcomings and unintended impact. There is a realisation that such institutions as the UN are not 'rising to the peacebuilding challenge' (United Nations, 2010, Pg. 9). Further, internal challenges to liberalism with growing populism in the West have reduced the penchant for liberal internationalism (Galston, 2018). This awareness of their own incapability, and their inability to expend the necessary time and money, has led liberal peacebuilders to lower their own 'liberal' standards (Wallis, 2018). Liberal peacebuilders are said to have relinquished their visions of a perfect 'liberal peace', and have moved to a'goal-free approach', where the focus is on the process, and the end-goal is open to context-specific interpretations of peace (De Coning, 2018). Calls have been made to renounce the solution-based paradigm of peacebuilding, and adapt pragmatically to complexities on the ground (Pospisil, 2019). Some have even argued that peacebuilding is in retreat, and with pragmatism, rather than goals of liberal state, being the order of the day, 'peacebuilding is no longer a term on the international agenda' (Chandler, 2017, Pg 6). Equally, those at the receiving end have now come to see international assistance as an extension of Western foreign policy, motivated by a desire to intervene, but avoiding the required 'responsibility' (Chandler, 2006; Duffield, 2010; Dunne and Mcdonald, 2012; Mac Ginty and Richmond, 2013).

In short, the contemporary scholarship on liberal peacebuilding presents it as being contested, at both giving and receiving ends, leading to hybrid political orders, rather than liberal states. It is evolving to be pragmatic in its approach, to addressing contextual challenges (Moe and Stepputat, 2018; Pospisil, 2019; Wallis, 2018).

'Skeletal' version of Peacebuilding on ground

Such an apocalyptic reading of liberal peacebuilding, however, understates the immense material, and normative, power, it continues to hold (Mac Ginty and Richmond, 2013). The policies of leading states and global organisations continue to

use the liberal rhetoric, to justify peace-support interventions (Mac Ginty, 2011). Crucially, on the ground, peacebuilders adopt multiple roles as funders, international experts in institutional reform, formal adjudicators, managers of key public services, and mediators (Bell and Pospisil, 2017). This interpretation of the pragmatic approach of peacebuilding also obscures the fact that peacebuilding has been condemned, and critiqued, only for it to reinvent itself, and reappear in different guises. Despite a conscious admission of failure, by such bodies as the UN, ironically peacebuilders have used the 'failure' of their interventions to justify the need for prolonged international supervision of post-conflict processes, thereby reasserting their dominance (Bargués-Pedreny, 2018). In fact, the UN reviews of 2010 and 2015 call for not only a rethinking of peacebuilding, given its failure, but also demand increased resources, stronger partnerships, and efficient delivery mechanisms (United Nations, 2015b, 2010). Truly, while comprehensive mandates for peacebuilding might be a thing of the past, liberal peacebuilding remains alive in the form of IKEA flat-pack type mandates, which have similar projects, despite contextual differences (Mac Ginty, 2008). These projects on such themes as Inclusion, SSR, and Transtional Justice, are further undergirded by such liberal principles as equality, civilian supremacy, rule of law, human rights and accountability. As the elements of inclusion, SSR, and transitional justice become elements of the wider liberal peacebuilding project; they provide windows to an understanding liberal peace in practice. As this thesis focuses on the three elements, to account for how emergent powers engage in the peacebuilding arena, and their interaction with liberal peacebuilding projects in Nepal and Myanmar, the section below briefly recounts their conceptual basis. The brief account will be supplemented in the empirical chapters, by looking at how these components were defined in the peace accords, and how they evolved in practice.

Inclusion

Exclusion is often at the heart of most civil wars and, accordingly, post-conflict settlements can rarely avoid the question of inclusion. Given the divisions of ethnicity, religion, regions, and language, many countries explicitly cite provisions for inclusion in peace accords, interim constitutional and other legal arrangements, through some form of power-sharing. Power-sharing mechanisms act both as a short-term conflict

management tool, which addresses demands for inclusion put forth by warring groups, and also as a long-term project of constitutional accommodation, providing important guarantees through different political, territorial and military divisions of power, to different social groups (Bell, 2018; Call, 2012).

Power-sharing has been discussed in academic scholarship, as a mechanism for governing diverse societies, in a way where all major segments of the society are provided with a permanent share of power; in contrast to government versus opposition systems (Sisk, 2003). Scholars have focused on different variants of power-sharing. A dominant theme has been Consociationalism, focused on four fundamental characteristics: government by a grand coalition of political leaders representing all significant segments of a plural society; mutual veto to ensure additional protection of minority interests; proportionality in political representation (civil service appointments and allocation of public funds); and high degrees of autonomy for each segment to run its own affairs (Lijphart, 1977). However, in his later writings, Lijphart asserted that consociationalism can be defined in terms of two key elements of executive power sharing, namely grand coalition and group autonomy, with proportionality and mutual veto being 'secondary characteristics' that strengthen the former two (Lijphart, 2003). Others include Centripetalists, or Integrationists, who advocate designing institutions, without specifying forms of group participation, but rather based on voluntary inter-ethnic alliances, favouring pre-electoral interethnic coalitions (Horowitz, 2014).

Despite the association of power-sharing, as a mechanism for inclusion and stability, critics point that it tends to perpetuate ethnic divisions, creating stable 'elite cartels', further privileging one social divide, such as ethnicity, over many others (Rothchild and Roeder, 2005). Power-sharing has also been said to deliver temporary peace, and has rarely facilitated effective action on security and broader constitutional issues (Cheeseman, 2011).

In the scholarship on conflict studies, different dimensions of power-sharing (political, territorial, military, and economic) have been associated with the durability of

negotiated settlements that end wars (Hartzell and Hoddie, 2003). International agencies, like the UN, have tended to favour certain mechanisms for power-sharing in negotiated settlements, such as: consensus or national-unity transitional governments; broad coalitions to rule during constitution-making processes; and proportional representation in electoral systems (Cheeseman, 2011).

Such neat categories, in the sharing of power amongst conflicting groups, rarely manifest themselves in practice. As will be discussed in case studies later, power-sharing mechanisms, to foster inclusion in Nepal and Myanmar, have largely centred on federalism, electoral reform, proportionality of representation, and secularism. Such mechanisms occupy a central role in peace processes, as they seek to renegotiate how power is distributed. For instance, changes in electoral systems affect political parties, often altering their strengths and alignments (Horowitz, 2003).

Security Sector Reform

The UN identifies Security Sector Reform (SSR) as a core element of peacebuilding. Accordingly, SSR-related provisions have been encoded into different peace agreements since the 1990s (Pospisil, 2018). SSR, in its various manifestations, is seen to be a requisite for the replacement of 'dysfunctional' conflict-ridden societies into states, with liberal-democratic polity, economy, and social structures, and thus is situated within the liberal peacebuilding narrative (Jackson, 2011).

SSR projects seek to reform the institutional framework of state security by fostering civilian oversight of the armed forces, ensuring security forces are reflective of the diversity of the state, and refining security-related policies to enshrine norms of human rights, accountability, and rule of law (Joshi et al., 2014; Sedra, 2013). SSR-related activities, include: international and regional Peace Support Operations; Disarmament Demobilisation and Reintegration (DDR) Programmes; police reform; and human rights training for armed and police forces.

Discussions on SSR have gone hand in hand with discussions on DDR, which is seen to be a primary step in a peace process. DDR's components are, firstly: Disarmament, which refers to the removal and destruction of weapons from former combatants and

civilians. The second component is Demobilisation, involving the disbanding of military command structures established by during wars. Finally Re-integration refers to integrating former combatants into peacetime economies, by providing alternative livelihoods, and employment opportunities (Mil, 2018). DDR has been a key component of nearly all large-scale peace operations, whether under the auspices of the UN or regional organisations (Berdal and Ucko, 2013). DDR and SSR, with their shared objective of strengthening the state's monopoly of means of violence, and upholding the rule of law, are seen to be mutually reinforcing, and in practice DDR is often subsumed within wider discussions of SSR (McFate, 2010). A natural point of intersection for DDR and SSR is also the integration of former combatants into the state security system, a path many countries, including Nepal, have followed in the SSR process (McFate, 2010).

Transitional Justice

Transitional justice, seeks to address the legacies of mass violence, and human rights violations, committed during civil wars or authoritarian periods. It relies on institutional mechanisms such as: trials, amnesties, truth commissions, truth-telling, criminal prosecutions, reparations, memorialisation, traditional justice, cultural interventions, vetting, and institutional reform (Haider, 2016; Hellsten, 2012). Described as the 'first real test for democratic statehood', it has become a dominant theme in political transitions (Bohl, 2006). Transitional justice, as a concept, evolved in 'practice through the belief that certain obligations to investigate, prosecute, and rectify gross human rights violations went beyond domestic governments and that states were required under international law to take action' (Roht-Arriaza, 2013, Pg 82).

As a mechanism that was initiated to address the past, there is invariably a dilemma, and often a trade-off, as to the balance between addressing the past versus envisioning the future. In this context, some elements to deliver justice are often traded for stability and peace, indicating a complex interaction between peacebuilding and transitional justice (Sriram et al., 2012). On the ground, from the experiences of multiple countries, it can be concluded that transitional justice has typically fared as an 'all

hype-no substance' process. States have rarely implemented the recommendations set forth by Transtional Justice Commissions, trials and conviction rates have been dismal, while the expenditure has been sky-high (Fombad, 2008). This has also brought to the fore the dilemma between localisation and universalisation, wherein internationals, funding transitional justice, have preferred international criminal justice mechanisms, while locals have rejected externally defined technical versions, instead advocating for a version aligned to cultural specificities (Muvingi, 2016), and promoting the active agency of local people (Lundy & Mcgovern, 2008).

International Engagement and Political Settlements Conflict Affected States

As discussed above, several motivations and rationales shape the patterns of international engagement in peace processes of conflict-affected states. Such motivations range from stabilizing borders for transnational security (Duffield, 2014); the spirit of international citizenship (Bellamy, 2009; International Commission on Intervention and State Sovereignty, 2001); competition for influence in strategic conflict-affected states (Cooper et al., 2011; Richmond et al., 2011); and maintaining regional influence and stability, amongst others. However, the agency of domestic groups in conflict-affected states interacts with these varied international motivations. And when such conflict-affected states are seen as embodiments of power relations, with different domestic groups contesting for power (Goodhand and Walton, 2009), we see that the motivations, of different groups seeking international engagement, are not homogeneous either. The motivations range from international legitimacy (François and Sud, 2006; Mansfield and Snyder, 1995; Unsworth, 2010); the promise of increased developmental aid and material resources (Pouligny, 2006; Wyeth, 2012); avoiding threats of sanctions; to prospects of international mediation and facilitation; as well as security guarantees, at a time when warring factions are struggling to build trust (Walter, 1997). Here, competing domestic groups seek international actors, and their associated agendas and norms, to strengthen their advantage during peace processes (Acharya, 2004; Khan, 2010). To understand, how plural forms of

international engagement interact with domestic agency, and impact the domestic distribution of power, in conflict-affected states, I use the largely under-theorized concept of political settlements.

Political Settlements: Conceptual Foundation

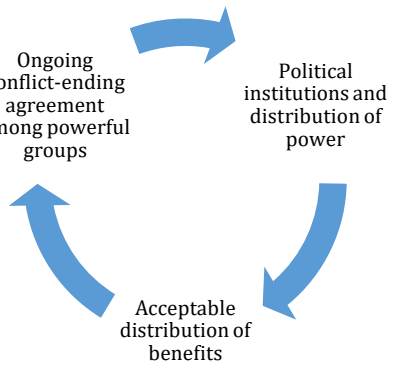
The concept of political settlements owes its contemporary origins to Khan's seminal work on political economy. Khan defines political settlements as relative distribution of power and institutions, both formal and informal, between different classes and groups, which determines the politics of the state (Khan, 2010). To Khan this political settlement is based on three dimensions: the horizontal distribution of power, the vertical distribution of power, and the manner in which a political settlement is financed (Khan, 2010). Since his conceptualisation, political settlement has been swiftly adopted in international policy circles, in order to study patterns of development and governance in conflict-affected states, their recovery from war, and finally to understand how the distribution of power can be compatible with the efforts to promote reform (Pospisil and Rocha Menocal, 2017).

Ironically, the increased uptake of political settlement, as a concept, has eroded its analytical discreteness, with multiple definitions and divides now emerging (Behuria et al., 2017). In Khan's *longue durée* approach, political settlements emerge when multiple interactions between groups, horizontally (between elites); and vertically (between elites and their followers), in negotiating formal and informal institutions, become compatible with the distribution of powers of these groups. This compatibility is not 'based on any pact that can be identified ex ante' (Khan, 2018, Pg 671). The second approach sees 'elite pacts', or 'agreements among powerful groups, over a set of formal and informal institutions, expected to create opportunities for those groups, to secure a distribution of benefits that is acceptable to them', as fostering a political settlement (Bell, 2015; Kelsall, 2018a; Laws and Leftwich, 2014; Putzel and Di John, 2012). Elite pacts here herald a settlement, which allows a society to solve the 'problem of violence' politically, and transcend the unsettled politics of violent conflict (Yanguas, 2017a). Some have gone further to operationalise the elite pacts

approach, in the form of political, economic, and military power sharing among elites (Lindemann, 2011). Though focused on 'elite pacts', this approach to political settlement also sees it relying on a two-level game, involving both intra-elite, and elite-non-elite, relations (Laws, 2012).

While both approaches see the state as embodying a set of power relations (Putzel and Di John, 2012), the elite pact approach sees agreement between elites as key to the making of development, peace, or good governance. Both approaches have their critiques. The elite pact approach has been critiqued for its elite bias, and for overlooking the role of several organisations, fundamental to macro-political stability (Khan, 2018). Further, its central idea that, some institutions are going to be enforced because powerful elites have a 'pact' to impose it, is seen to be analytically flawed (Khan, 2018). However, Khan's emphasis, on the reproductive nature of political settlements, is seen to obscure the degree of agency needed to change, and to settle the terms of the game, in conflict-affected contexts (Kelsall, 2018b).

Figure 1: Tim Kelsall's conception of political settlements



Application in Conflict Studies

Despite the dividing lines between the *longue durée* approach of Khan, and the elite pact approach, the case studies in this thesis, demonstrate that 'elite pacts' need to be

located within the wider, historically-determined 'political settlement'. Elite pacts are conditioned by long-term political settlements, with certain political settlements triggering and favouring certain types of elite pacts while hampering others. Thus the case studies explain the political settlement of Nepal and Myanmar from a *longue durée* historical approach, and locate the elite pacts in the peace process as a part of a broader process. However, to ensure analytical clarity, the conceptual sections will use and build on Kelsall's definition, given the focus of this research on peace processes, and the centrality of peace accords forged by elites in these processes. For Kelsall, 'political settlement' is: i) an ongoing, conflict-ending agreement among powerful groups, around ii) a set of political institutions and a distribution of power, expected to deliver, (iii) an acceptable distribution of benefits (Kelsall, 2018b), as shown in Figure 1.

Focusing conceptually on the elite pact approach, firstly helps outline the implication of bargains and pacts amongst elite groups on the trajectory of the conflict, and post-conflict transitions (Dudouet and Lundström, 2016; Fritz and Menocal, 2007). This is salient, as post-conflict transition to peace involves some kind of re-articulation of the use and distribution of power among social groups (Menocal, 2015). Peace processes, thus, are critical junctures that reshape political settlements (Menocal, 2015), and provide a unique window of opportunity, whereby elites can come together to address exclusivity, and design mechanisms for inclusivity, and political alliance-building (Di John and Putzel, 2009; Evans, 2004).

Secondly, prioritising the agency, power, and role of elites, in shaping post-conflict trajectories, helps veer away from the focus on formal institutions, including commitments in peace accords, and constitutional solutions, which take a central stage in peace processes (Bell, 2015; Hickey, 2013; Leftwich, 2010). Such formal institutions, while pertinent, have been malleable, based on the negotiation, and compromise among elite groups.

Thirdly, from the perspective of international engagement, elite interests are found to be the key to the success of international engagement. Not only can elites resist, or co-

opt, even the most extensive international engagement, when it does not suit their interests, but they can also shape and control formal governance institutions, policies, and the distribution of development assistance, to advance their interests (Parks and Cole, 2010).

Lastly, who is included and excluded from these pacts is seen to be critical to stability in post-war transitions. Here, 'inclusive elite bargains', which include all major factions, are seen to maintain political stability, while 'exclusionary elite bargains' are seen to give rise to civil war (Lindemann, 2011). However, severe conceptual gaps persist in this idea of 'inclusivity'. To begin with, the conceptual boundaries, determining who 'elites' are, remain fuzzy, which impacts the operationalising of elite pacts. More problematically, while the links, between exclusive political settlements and conflict, have led to calls for the forging of inclusive political settlements, both at the horizontal level (intra-elite), and at the vertical level (between elite actors and wider society) (Molloy, 2017); nevertheless the concept has failed to address the complex interrelationships, between inclusion among 'elites' and broader social inclusion vertically (Pospisil and Rocha Menocal, 2017). The gap between the two forms, and the challenge of the former to foster the latter, is evident in multiple peace processes (Rocha Menocal, 2017). To ensure that vertical and horizontal dimensions to political settlements are fully captured in this thesis, the empirical cases focus on three issue areas: inclusion, SSR and transitional justice (Yanguas, 2017b).

Thus, rather than studying conflict-affected states, as coherent homogeneous actors, who receive plural forms of international engagement, by using the lens of domestic political settlements, we can explore how these varying forms of international engagement impact different social groups, and the distribution of power between them (Goodhand and Walton, 2009).

Hybrid Peace

The three sections above have highlighted the concepts, which undergird the interaction between the *structure* of plural forms of international engagement, and the

agency of social groups, in making political settlements in conflict-affected states. To conceptually bridge the multiple scales of interactions, between regional engagement of emergent powers, liberal peacebuilding projects, and the political settlement in conflict-affected states, this thesis uses the concept of hybrid peace. As its approach is inductive, while the thesis does not start with a clearly defined hypothesis, a preliminary idea, guiding this research, is that plural forms of international engagement in peace processes of countries like Nepal and Myanmar, are likely to spur hybrid peace structures.

Hybrid peace, as briefly covered in the section above, can be seen as composite forms of practice, norms, and visions, emerging from the interaction, co-existence, and clash, of different groups, world views and activities, in post-conflict states (Jarstad and Belloni, 2012; Mac Ginty and Sanghera, 2012). Mac Ginty sees hybrid peace outcomes to be dependent on four variables: the compliance power of the liberal peace agents; the incentivising powers of the liberal peace agents; the ability of local actors to resist, ignore or adapt; and finally the ability of local actors, structures and networks to present alternative forms of peace (Mac Ginty, 2011). In essence, these structures emanate from interactions at multiple levels, and embody a mixture of liberal and illiberal characteristics (Kappler and Richmond, 2011). While the concept has been used in peace studies to look at the interaction between the 'international', which by default are Western- backed liberal peace projects, and the 'local', the social groups in conflict-affected states, this thesis recognises the centrality of 'regional' actors, in the making of hybrid forms of peace. In this research hybrid peace is used as a concept to account for diverse forms of 'international' engagement, including non-Western sources like India and China. Further, hybridity, as a concept, envisages varying forms of hybridity, across both negative and positive scales. A positive hybrid form of peace implies that significant legitimacy and agency emerge from the local level, while a negative hybrid peace, represents the increased power of the 'international' actors (Richmond, 2015). Given the inductive nature of the research, I leave the question of 'negative' or positive' hybridity to be determined by empirical realities.

Conclusion

The literature on how emergent powers engage in conflict management, or peace processes, is nascent at best in the academic realm of peace studies. Similarly, while extensive, the study of foreign policy, of India and China, has rarely sought to theorise its modes of conflict resolution. Conflict-affected states, like Nepal and Myanmar, which witness both the engagement of emergent powers, and liberal peacebuilding projects, thus occupy a critical space, where the impact of the engagement of emergent powers, and their interaction with liberal peacebuilding projects, can be studied. This chapter has outlined the literature on Indian and Chinese foreign policy, to draw a conceptual foundation, in order to understand their engagement in peace processes in their region of influence. In addition, it has charted the evolution of liberal peacebuilding projects, and their present-day manifestations in practice.

Apart from its accounting for the structural variables of international engagement, this chapter has also outlined the agency of domestic actors, by making use of the concept of political settlements. It has posited the role of elites, and elite pacts, as central to determining the trajectory of post-conflict transition, as well as shaping international engagement in these conflicts. To bind the three scales of inquiry, the chapter also outlined the concept of hybrid peace. This is the preliminary assumption which drives this thesis, rather than being a firm hypothesis.

Chapter 2: Research Design: Methods, Tools and Ethics

This chapter outlines the design, methodology and the ethical considerations that underpin this thesis. In the first section, I explain the key research questions the thesis seeks to answer, followed by a short discussion on the key concepts used in the thesis. In the second part, I outline the methodological approach of this research, highlighting the key methods, data collection tools, and the approach taken to analyse the data. The chapter ends with a discussion on the ethical considerations undergirding this research.

Research Questions and Key Concepts

Research Questions

This thesis focuses on three inter-related questions:

1. How do emergent powers, India and China, engage in peace processes in neighbouring countries within their region of influence, with a specific focus on Nepal and Myanmar?
2. How do engagements of emergent powers interact with, and impact upon, liberal peacebuilding projects in Nepal and Myanmar?
3. How do these plural forms of international engagement, of emergent powers and peacebuilding projects, impact political settlements in Nepal and Myanmar?

All three questions are both exploratory and explanatory. The aim is to interrogate and unpack, both the norms and practices guiding emergent power involvement in conflict-affected states in their regions, and the consequences of this for liberal peacebuilding projects. It also seeks to understand how the two forms of engagement in peace processes interact, and to identify points of convergence and divergence. The third question shifts the focus on to the domestic effects of international engagements,

focusing on the political settlements in Nepal and Myanmar. Here, Chapters 4 and 6 help answer Question 1, based on the description of case studies in Chapters 3 and 5. Chapter 7 and Chapter 8, drawing on earlier chapters, help answer Questions 2 and 3 respectively.

Operationalisation of Key Concepts

Given the nature of questions, this research engages with several concepts. While the broader conceptual framework has been discussed in the preceding chapter, this section operationalises some of these terms, in the context of this research.

Emergent Powers

This thesis takes India and China as emergent powers. As a term, emergent powers stands contested, given the heterogeneity amongst the diverse array of countries that are classed as emergent powers: India, China, Brazil, Russia, and South Africa (Cunliffe and Kenkel, 2016; Hopewell, 2015; Mahbubani, 2009). Of these, some argue that only India and China can be said to be emergent powers, as they come close to having the levels of influence the US enjoys regionally and globally (Hurrell, 2018). Further, both India and China share similar features that define emergence, albeit at varying levels. These include: unprecedented economic growth; a history of being a civilisational state; recognition as a regional power; experiences of colonialism and imperialism; and an identity as leaders of developing countries. Thematically, this thesis focuses solely on the regional engagement of these emergent powers. In the empirical chapters, India and China are on the whole viewed as regional powers. However, in the overall analysis section, this thesis focuses on how this regional engagement of India and China might determine, or help us infer, their future engagement as ‘emergent powers’, or their interaction with a liberal world order.

Liberal Peacebuilding

As outlined in the first chapter, the meaning of liberal peacebuilding in practice has undergone a tectonic change. This necessitates delineating what this thesis means by liberal peacebuilding. Liberal peacebuilders or peacebuilders here are applied as a category of actors engaging in internationally supporting peace process, with a normative consensus on the promotion, and use, of liberal precepts, to support countries undergoing the transition from conflicts to some form of peace.

Secondly, the practice of liberal peacebuilding is spread over a wide area, spanning many different arenas, and involving many different actors, thus making it difficult to determine what peacebuilding is and who are the peacebuilders. To streamline this, I focus on three arenas: inclusion, SSR and transitional justice. In recent years, each of the three arenas has attracted a substantial amount of scholarly work. Indeed, they have almost evolved as critical sub-disciplines, and scholarship, in themselves. For this research, I do not engage with their conceptual foundations, their critique, or their application to other post-conflict settings. Instead, I use these three, as 'arenas of engagements', from which to explore the engagement of emergent powers, and their interaction with liberal peacebuilders. Further, to make sense of what these three issues mean in practice, I explore how these are covered in the peace agreements in Nepal and Myanmar. As described in the previous chapter, these three arenas are not only key components of peacebuilding projects but are routinely enshrined in peace agreements (Bell et al., 2017). Further, all of these are fundamental to unpacking the third question, on the impact of international engagement on the political settlements. So, if political settlement, as a concept, helps us see the state, as an 'embodiment of different power relations' (Meehan and Goodhand, 2018), each of the arenas help us view different facets of those power relations.

By the same token, in order to address the diffuse nature of liberal peacebuilding, I focus on prominent institutions and consortiums that have managed critical aspects of the political process, including, the UN Mission in Nepal, and the UN Peace Trust Fund in Nepal; or the Joint Peace Fund, and the Peace Support Fund (Paung Sie

Facility) in Myanmar, in addition to several key peacebuilding donors, such as the European Union (EU) and the Department for International Development (DFID), and the United States Agency for International Development (USAID), to name but a few.

This thesis does not accept liberal peacebuilding, as a wholly 'Western' agenda or *modus operandi*, in conflict-affected states. However, it draws a distinction between peacebuilding, as a process conflict-affected countries undertake to transition into peace, and which witness plural forms of international engagement, and peacebuilders or liberal peacebuilders (used interchangeably), as entities largely affiliated to Western states, and multilateral bodies, supporting peacebuilding efforts. So, as mentioned in the introduction, while this research seeks to investigate how India and China have engaged in the realm of peacebuilding, it refrains from calling them peacebuilders.

Political Settlements

The under-theorised concept of political settlement, and the sheer variation in its use, makes its application difficult (Behuria et al., 2017). Borrowing largely from Kelsall, I use political settlements, in their simplest form, to look *horizontally* at the bargains and pacts, in re-negotiating the distribution of power between contending groups; and *vertically*, as to how these agreements and bargains assimilate bottom-up mobilisations that can bring dividends for the wider society, during a peace process (Kelsall, 2018b). Here, I use 'contending groups', to define the bargains amongst the traditional elites and the marginalised groups, claiming their stakes through the peace process. Elites, here, are dominant groups, who have historically held political power, and have political organisational capacity. This deviates from the more comprehensive definitions of elites, used by Kelsall, Di John and Putzel (Di John and Putzel, 2009; Kelsall, 2018b). I eschew such comprehensive definitions of elites, given that a comprehensive definition necessitates a comprehensive grasp of economy, culture, politics and society, which goes beyond the confines of a single discipline. As this research focuses on peace processes and international engagements, I believe a narrower definition brings greater clarity to the concept.

Even this simple definition is not as neat in practice. In terms of horizontal pacts, in the shifting sands of a peace process, the elite composition might alter radically, making it difficult to neatly categorise the elites. Witness the democratic opposition party, who came to power in Myanmar crushing six decades of authoritarianism, or the Madheshi parties in Nepal, who emerged from being marginal players to becoming critical swing forces for change in Nepali politics; both groups have transitioned from marginalised players to elites. Secondly, the idea of marginalised groups, or dominant groups, largely based on ethnic, or regional, identities, has left little room to discuss intersectional identities, and economic exclusion. The latter is evidenced by groups, who are not dominant even within marginalised groups: for instance, Dalits and Muslims in Nepal, or smaller ethnic groups like the Pa'O and Lahu in Myanmar, as the next chapters will identify.

Research Methodology: Method, Tools for Data Collection, and Analysis

The emphasis on explanation and description, which, this thesis requires, calls for its design to be qualitative (Hakim, 2000). Given that its purposes are both explanatory and exploratory, this research is largely inductive, with elements of abductive and deductive approaches. An inductive research strategy helps a research, 'establish limited generalisations about the distribution of, and patterns of association amongst observed, or measured, characteristics of individuals and social phenomenon' (Blaikie, 2009). To explain the norms and practices, that foreground the engagement of India and China, and their interaction with liberal peacebuilding agents, the research will employ an inductive approach. Abductive strategy involves constructing theories that are, 'derived from social actors' language, meanings and accounts in the context of everyday activities, and aims to produce understanding rather than explanation, by providing reasons rather than causes' (Blaikie, 2009). To account for the impact of plural forms of international engagement, on the political settlement of Nepal and Myanmar, the research will use an abductive lens. As the research has, as its

preliminary assumption, that hybridity or hybrid peace is the outcome of plural forms of international engagement, it can be seen to include deductive components.

Employing this design, this research primarily seeks to explore the relationship between political settlements in Nepal and Myanmar, and the international engagement. Here, Question 2 posits 'liberal peacebuilding projects' as the dependent variable, with 'engagement of regional powers' as the independent variable. While in Question 3, 'political settlements' are the dependent variable and 'forms of international engagement' (of emergent powers and liberal peacebuilding projects) are independent variables.

Multiple Case Studies

The choice of a qualitative focus for this research is due to its primary reliance on case studies, a method which has for long been employed for studies requiring a detailed portrait of a particular social phenomenon (Hakim, 2000). 'Case', here, can be defined as 'the detailed examination of an aspect of historical episode to develop or test historical explanations that may be generalisable to other events' (George and Bennett, 2005, Pg 5). The use of case studies is also promoted as the most suitable research method, if a detailed consideration of contextual factors, critical for conceptual refinement, is called for. The peace processes of Nepal and Myanmar thus serve as episodes whose details will be investigated as 'cases'.

By moving beyond a single case to include two, (Nepal and Myanmar), this research benefits from a 'multiple case study' approach. Multiple case studies are seen to contribute to bringing out relevant concepts through cross-case comparisons (Bryman, 2015). They can also yield new insights, including revelations of causal heterogeneity (Rueschemeyer, 2014). The use of two cases further helps address the claim by methodologists that, for drawing causal propositions that can be generalised, case studies would need to move beyond single unit-studies and be more representative (Gerring, 2004). In that sense, Nepal and Myanmar both feature as 'hypothesis-

generating case studies', which helps develop theoretical generalisations in areas where no theory yet exists (Lijphart, 1971).

'Case studies' also present a number of challenges. A key challenge here is 'many variables in small number of cases' (Lijphart, 1971). Accordingly, this research seeks to streamline broad variables like 'post-conflict political settlements', by looking at issue-specific domains, namely: inclusion, SSR and transitional justice. More fundamentally, research based on 'case studies' is faced with the challenge of 'selection bias', where cases are self-selected to represent a truncated sample along the dependent variable (George and Bennett, 2005). To tackle selection bias, this research has, firstly, specified a frame of comparison, which includes a 'contrast space', vis-à-vis the dependent variable - political settlements in Nepal and Myanmar (Collier and Mahoney, 1996). The selection of Nepal and Myanmar peace processes, as cases for this research, guarantees the 'contrast space'. Though both Nepal and Myanmar are similar, as they are both conflict-affected states, and the idea of exclusion has been central to the patterns of conflict; Nepal and Myanmar are different, in the history of their international engagement, with India being dominant in the former country, and China in the latter. Further, in order to counter these biases, I undertook a careful case selection strategy, as described in the following section.

Case Selection Strategy

Nepal and Myanmar serve, as pivotal case studies for this thesis, for three core reasons. Firstly, each is demonstrably the best choice for the study of India and China's regional foreign policies, respectively. The historic legacy of Indian engagement, in political developments in Nepal, to cater to India's security concerns, and India's dominance in the wider trade, transit, and economy, in addition to the formal and informal channels linking the two countries, make Nepal an ideal case (Dabhade and Pant, 2004; Thapliyal, 2012). More specifically, in the Nepali peace process, India has been the most important external actor (Whitfield, 2012). Similarly, a history of Western sanctions, and the entrenchment of Chinese domination, in the wider political economy in Myanmar, has ensured that China continues to be central to the peace process (United States Institute of Peace, 2018). It is often asserted that the emergence of China

is reshaping the world, and 'nowhere else will its impact be felt more strongly than in neighbouring Myanmar' (Myint-U, 2016a), making Myanmar an ideal case for the study of China's engagement. Further, the selection of Nepal and Myanmar helps me partially compare the engagement of India and China in both countries.

Secondly, Myanmar and Nepal are both multi-ethnic states, where the root causes of conflict are defined as: 'exclusion' of a number of social groups in political, social, and economic realms. Accordingly, reforming the political settlement has been a key theme in the peace processes of both countries. In Nepal, the 2011 census recorded 126 caste and ethnic groups, some of which partly overlap. It also reported 123 spoken languages, and around 10 religions. The population is distributed across three primary geographic units: the hills, the mountains, and the plains, also known as the Terai or Madhesh (Central Bureau of Statistics, Nepal, 2012). Despite the diversity, a narrow elite base comprised of Hindu, High Caste community from the hills, often euphemised as CHHE (Caste Hill Hindu Elite), who represent 31.25% of the population have dominated the political settlements as will be described in Chapter 3 (Lawoti, 2008; Pfaff-Czarnecka, 1997).

Similarly, in Myanmar, the primary fault lines of exclusion have tended to be religion and ethnicity (Rajah, 1998), with both overlapping only to a degree (Hayward and Walton, 2016). Of the 135 official ethnic groups, the Bamars, the dominant ethnic group, compromising two-thirds of the population, largely Buddhists, have dominated the socio-political and economic spectrum (Callahan, 2017). This dominance has come at the cost of the marginalisation of multiple ethnic groups, such as the Kachin, Shan, Mon, Chin, and Karen groups, of varying religious faiths, including Christianity. Exclusion has meant that multiple armed groups representing different ethnicities have raised insurgencies against the state, since Myanmar's independence. Ethnicity remains a contested issue, as demonstrated by the 2014 census. The results of this census, held after a gap of 31 years, was withheld (Ferguson, 2015). It was thought that the census results could incite ethnic disputes, with ethnic groups contesting the absolute and relative statistical representations, viewing other groups' statistics as more substantial, or even artificially inflated: all of which could destabilise the nascent

peace process (Callahan, 2017). However, while up-to-date data on ethnicity is missing, the 2014 census computes the Buddhist population at 89.8 % of the total, while Christians make up 6.3%, Muslims 2.3%, and the Hindu population 0.5 % (Tun, 2017).

Thirdly, in addition to their accommodation of Indian and Chinese engagement in the peace process, Nepal and Myanmar were faced with considerable numbers of liberal peacebuilding actors (Hellmüller et al., 2015; Oo, 2014; von Einsiede and Salih, 2017). This makes the two countries the perfect choice to study also the interactions between, and the impact of, emergent power engagement on liberal peacebuilding programmes.

Figure 2: Map showing India, China, Nepal and Myanmar
(Source: adapted from Google Maps, 29 March 2020)

Timeline

In seeking to examine the cases of Nepal and Myanmar, this study focuses on the duration of their peace processes. In Myanmar, I focus on the developments in the 2011-2018 period. As Myanmar's peace process is still in progress, for the purpose of

this thesis, I take 2018 as the cut-off point. In the case of Nepal, I focus on the period from 2005-2018. In Nepal, it is difficult to delineate when, and if, the transition has ended, especially as issues of transitional justice are still unresolved. However, by 2018, Nepal had implemented its new constitution, and transitioned into a federal state. Thus, this year is generally accepted as the endpoint of the transition.

Tools for Data Collection

The thesis has primarily relied on document analysis, and elite interviews, as tools for data collection.

Document Analysis

Document analysis is the key method used for this thesis. Documents 'are treated as carriers or vehicles of messages, communicating or reflecting official intentions, objectives, commitments, proposals, thinking, ideology, and responses to external events' (Freeman and Maybin, 2011, Pg. 157). To engage with the wide-ranging concepts, this thesis relied on a variety of documents: legal and political documents (peace agreements, parliamentary reviews, committee reports, government white papers, press releases, legislative acts, Constitutions); public documents (media reports, speeches at the UN, press releases, voting records); organisational documents (reports, guidelines, websites); as well as personal documents (autobiographies, blogs). The documents helped me with process tracing, through which I traced causes impacting on the three arenas of inclusion, SSR and transitional justice in each of the case studies (Beach, 2016). This use of documents for process tracing not only helped with systematic analysis of the peace processes, and evaluating explanations discussed in prior scholarship, but also helped generate new explanations (Bennett and Elman, 2006; Collier, 2011).

For different contexts, different types of documents proved to be more useful. For instance, in Myanmar, where the peace process is still in progress, documents in the form of reports and briefs by international and local civil society groups, proved to be

very relevant. These documents summarised discussions on various aspects of the ongoing peace process, and in a timely manner, unlike journal articles, and other sources of reference, which often appeared dated. Similarly, public documents, in the form of newspapers, proved helpful in both Nepal and Myanmar. Apart from the content, they also helped me remain updated on any changes in peace processes. For China, the sheer volume of academic writing, and policy documents, both internal and external, helped alleviate my problem of having conducted only a small number of interviews in-country.

Documents as 'vehicles of discourses', bring their own biases (Freeman and Maybin, 2011). To navigate the possible bias in these documents, especially government policy papers, official state documents, and even newspapers, I took into account the quality of documents: thinking through the criteria of accountability, credibility, representativeness, and meaning (Scott, 1990). I also tried to navigate these biases, by effective triangulation of data: by reviewing multiple documents, but also through elite interviews. The documents used for the thesis also set the frame of reference for the preparation, and refinement, of my interview questions.

Elite Interviews

Elite interviews are deemed to be highly relevant in case studies, especially for the study of political developments at a macro level, as well as mapping perceptions (Blakeley, 2012; Tansey, 2007). For this research, elite interviews, in India and China, helped establish perceptions on key agendas of the peace processes. These also helped triangulate information gathered from Nepal and Myanmar, and from other related published sources. The interviews, in addition, supported interpretation of the available data (Tansey, 2007). Goldstein (2002) elaborates the importance of elite interviews, identifying their three basic goals. The first is to gather information from officials to make generalisable claims about their experiences; the second goal is to discover a particular piece of information, or acquire a particular document; and, the final one is to inform, or direct the work towards alternative data. All three goals resonate with my research project. I used elite interviews, not only to understand the

international engagement from the perspective of experts, but also to guide me to other sources of information.

I conducted elite interviews in New Delhi, India; Yangon, Myanmar; Kathmandu, Nepal and Sichuan, China, between April 2017 and December 2018, travelling to the region twice in 2017, and once in 2018, for extended periods of time (details in Appendix I). I interviewed key stakeholders: bureaucrats, representatives of political parties, academics, journalists, civil society leaders, mediators, negotiators, public intellectuals, and peacebuilders representing different International Non-Governmental Organisations (NGOs), and bilateral and multilateral sources. The level of access in these countries, as shown in Appendix 1, was different. In Nepal, I was able to interview all key stakeholders, often at the highest level of political representation, including a former Prime Minister. In Myanmar, I was able to do the same, except for meeting military representatives. In China, my interviews and broader interaction were limited to academics, while in India I interviewed diplomats, think tank representatives, as well as experts. These interviews were semi-structured, aided by an interview guide, based on the main questions with which I sought to engage. The use of semi-structured interviews allowed me to 'ask major questions the same way each time, but adjust their sequence and probe for more information' (Fielding and Thomas, 2008, Pg. 282) ; and to clarify the issues raised by respondents (Barriball and While, 1994). In addition semi-structured interviews helped me ensure cross-case comparability, an important factor in drawing inferences in multiple contexts (Bryman, 2015).

To facilitate access to elites, I adopted multiple strategies. These included: making use of existing personal and professional contacts; emailing relevant people about my research and appealing for their time; contacting experts in the field, already known to me, asking them to introduce me to other experts; introducing myself to people at various conferences and requesting interviews; and finally requesting help from organisations working on peace processes. Broadly, across contexts, I used a snowball technique, to reach out to elites for the organising of interviews. In China, I travelled to Sichuan University, as a Visiting Scholar, interacting mainly with scholars working

on Myanmar and South and Southeast Asia. My principal purpose was to meet with scholars, in order to understand foreign policy discussions in China, especially with regards to those neighbouring countries undergoing political transition, rather than only seeking interviews. In addition to elite interviews, I was able to conduct a roundtable discussion, at the Centre for Myanmar Studies in Sichuan, where I presented my research questions, and engaged with the Centre's scholars on these issues.

Table 1: Tools used for data collection, sampling strategy and quantity

Method	**Participants**	**Sampling strategy**	**Sample**
Elite Interviews	politicians, mediators, peacebuilding programme managers, journalists, civil society leaders, bureaucrats, academics, experts, foreign policy analysts	Snowballing	Myanmar (35) (4 over Skype)
			Nepal (21)
	diplomats, experts from think tanks, academics	Snowballing	India (10)
	academic experts	Snowballing	China (7)
Document Analysis	archives white papers reports from different government and non-governmental sources press releases, media articles and interviews	Online searches. Published archives	

Some key interviews were also conducted via Skype, which supplemented, and in some instances replaced the need for, face-to-face interviews (Deakin and Wakefield, 2014). Skype interviews were especially critical before arriving in-country. It allowed me to speak to elites, and secure details of possible interviewees. Further, Skype interviews were significant means of approach for many key international representatives, engaged in the peace processes in Nepal and Myanmar, who had either retired from their roles, or were based outside these countries.

I was also cautious of the critiques of elite interviews. Elites could deflect questions, it was said, and take control of the agenda. The reliability of their answers was also questioned (Köker, 2014). I sought to mitigate these issues, by building up a rapport with the interviewees, trying to reframe my question when elites were deflecting them, and triangulating information, obtained from elite interviews, by interviewing as many people as possible, and corroborating it with document analysis.

Data Analysis

Upon the competition of my fieldwork, I transcribed all the interviews. Writing field notes, and transcribing the interviews that I conducted, allowed me to start analysing data during my fieldwork (Gibbs, 2007). For unrecorded interviews, I transcribed them the same day, and if that was not possible, at least within the same week.

Following the collection of data, I created a list of all the interviews I carried out, the field notes I had written, and the documents I had collected. I analysed the data manually. I did not use qualitative data analysis software, mainly because of the exploratory nature of the research. Having collated all the data, I read and re-read all of it. My aim was to draw out key themes, triangulate information from different sources, and build empirical analysis.

I look a series of steps to analyse the content of the data and triangulate the data. Firstly, as is true for content analysis, I compressed the data into a few core categories (Drisko and Maschi, 2015). This identification of categories was both an inductive and a deductive process (Drisko and Maschi, 2015). I had designed the questions, based on thematic categories, and arranged the answers within the same thematic categories. For instance, if the question focused on Indian engagement on inclusion, SSR or transitional justice, the answers were analysed under their respective themes. However, owing to the frequency of a certain concept mentioned in interviews, I also inductively identified new categories. These included: civil society; perceptions of liberal peacebuilding; perceived differences with liberal peace programme; stability; and the idea of development. For instance, while none of the questions explicitly asked

about civil society organisations, or NGOs and INGOs, answers about the engagement of emergent powers centred on their absence of engagement with civil society groups, which led me to identify civil society as a category. Secondly, having identified core categories brought to light in the interviews, these required triangulation and validation, in order for statements in interviews to be affirmed. Here, I triangulated the statements based on three criteria: i) real time events, or if the statements corresponded to events during the peace processes in Nepal and Myanmar, ii) with other published sources, or if such statements were covered in other documents, articles, newspapers, or interviews, iii) cross-referencing with other interviews to test the validity of the argument. While the triangulations helped transform data into inferential claims, this thesis also noted that those perceptions, which necessarily could not be triangulated, also served as important bases for the understanding of some of the less explored issues of Indian and Chinese foreign policy. For instance, the views of Indian diplomats, or Chinese scholars, on concepts like democracy, transitional justice, or SSR, provided fresh insights into the minds of policymakers. I have retained these as perceptions rather than concrete claims.

Research Ethics

Research ethics is a central element of social research, and impacts all aspects of research practice (Crow et al., 2006). Given that this research comprises interviewing and dealing with human subjects, I obtained the required ethical clearance, from the School of Social and Political Science, at the University of Edinburgh. I went beyond treating ethics as a procedural compliance, to assimilate 'ethics in practice' (Guillemin and Gillam, 2004), and regularly reflected on ethical issues during the fieldwork, as well as during writing. I confirmed confidentiality and anonymity, avoided undue intrusion, obtained the informed consent of research participants, and sought to protect the subjects from any harm that could arise, as a result of their participation. I also took time in every interview to discuss the aim and scope of the research, the purpose of gathering data, and its possible usage, before obtaining subjects' oral consent. In many instances, I sought consent when arranging the details of interviews, by email or telephone. When I initially made contact for an interview, either by email or telephone,

I also sent out a brief outline of the research, prior to the interview. It also helped that I interviewed 'elites', who are accustomed to being interviewed, and appeared comfortable with the process. Many often took time to question me further about my research, and some even gave me advice on good research management.

I took notes for all interviews, whether they were digitally recorded or not. Prior consent was taken for recording. When I felt I would get better data without recording, I did not record those interviews. The notes were taken in personal notebooks, to which only I have access. Similarly, the digitally recorded interviews were saved them on my laptop, which is password protected, and I alone have access to it.

The ethical consideration for this thesis also compels me to anonymise the interviewees, rather than name them. This is, specifically, due to the recent reduction in civic space, in all four countries that this thesis addresses, especially in the light of the arrests of journalists and activists in Myanmar and Nepal. To further engage with the people, who agreed to give me their valuable time during the research, I plan to share any future research outputs related to this research with them.

Conclusion

This thesis has chosen a qualitative research method, using case studies of Nepal and Myanmar. To support the qualitative focus, it has relied on the analysis of varied forms of documents, as well as interviews with elites, or key stakeholders, in the peace processes in Nepal and Myanmar, and with foreign policy experts in India and China. Given its qualitative focus, due ethical consideration has been given in the planning, and execution, of this research.

Part II: Nepal's Masala Peacebuilding[1]: Where India met the Peacebuilders

In 2005, Nepal sought to end its decade-long civil war by forging a peace agreement with the rebel groups, the Maoists. Given that the conflict was premised on issues of exclusion, the peace process that followed, between 2005-2018, not only sought to mainstream the rebels in the democratic fold, but also comprised an ambitious plan to 'restructure the state' and redefine the political settlements, historically dominated by Nepali-speaking high caste groups, from the hilly region, categorised by some analysts as Khas Arya or Caste Hill Hindu Elite (CHHE). In taking this leap, the Comprehensive Peace Accord (CPA) and the Interim Constitution of 2007, committed to: a transition from a monarchy to a republican order, from an erstwhile Hindu state to a secular one, and from a centralised to a federal state; in addition to commitment on human rights, as well as notions of respect of civilian supremacy. After the signing of the CPA and the peace process that followed, older political parties, along with the Maoists, entered into a relentless bargaining process over the institutional modalities: federalism, secularism, transitional justice institutions, and over the management of arms and of former Maoist combatants. Into these settlements, they have had to accommodate a whole new range of actors, who emerged from identity-based mobilisations, subsequent to the CPA being signed.

This transition, while largely, domestic-led, has also engaged with the varying opportunities and constraints presented by the engagement of India and that of liberal peacebuilders, like United Nations Mission in Nepal (UNMIN). This co-existence between such plural forms of international engagement has been defined by the divergent pathways adopted by India and liberal peacebuilders, with limited space for convergence between them. The divergences in international engagement, along with a contested domestic terrain, facilitated a constitutional order, in the form of the

[1] Masala, in Nepali means a blend of different spices. Teresa Whitfield used the term in her article- 'Nepal's Masala Peacemaking' to refer to panoply of international actors in Nepal's peace process

2015 Constitution, which departs significantly from the commitment of the CPA, or the Interim Constitution. Indeed, the 2015 Constitutional has birthed a hybrid peace structure, which has created space for marginalised groups relative to the past, but has continued to advantage the dominance of the CHHE, regressed on the pledges for transitional justice, and compromised on the promise of respect for civilian supremacy by the Nepal Army (NA).

Chapters 3 and 4 explore these arguments. Chapter 3 takes a historical approach to the study of the peace process, beginning with the history of the conflict in Nepal, and the firm basis it provided for the discussions on exclusion and accountability from such state institutions as the NA. It continues by discussing the institutional framework of the peace process, and the contested politics that underpinned it. The chapter concludes by sketching a broad contour of international engagement in Nepal's peace process.

Chapter 3: Evolution of Nepal's Peace Process

Brief Political History of the Conflict

In 1996, the Communist Party of Nepal-Maoist (Maoists henceforth) staged an armed revolt against the state, an action in complete contrast to Nepal's image as a peaceful 'Shangri-La'. The insurgency began six years after democracy was restored in Nepal, thus negating the theoretical premise, that democracy defuses conflicts by opening electoral platforms (Lawoti and Pahari, 2010). The conflict was one in a series of multiple transitions in Nepal, the country having witnessed a succession of regimes and turbulent events, over the last seven decades, as shown in Table 3. A decade of fragile experiment with democracy (1950-1960) was followed by an abrogation of the democratic framework, with the King taking absolute control under a form of guided democracy or the 'Panchayat' system (1960-1990). This ended with a restoration of multiparty democracy in the 1990 (Whelpton, 2005). However, democracy only served to provide a fertile ground for conflict, with political factionalism, frequent changes in government, absence of civilian control of the military, and no real transformation on the question of inequalities and the exclusion of marginalised groups (Parajulee, 2010). In this context, the Maoists' call to arms was based on forty specific demands, comprising questions of land reform, state-backed exclusion, abolition of special privileges for the monarchy, and the abrogation of unfavourable treaties with India (Whelpton, 2005). These demands gave rise to uncomfortable questions, rooted in the very 'idea' of the Nepali state.

Calls for Inclusion: Questioning the Foundations of Nepal's Exclusionary Political Settlement

A core problem simmering in Nepal, and which the Maoist movement was able to exploit, prioritise, and transform as a salient national debate, was the issue of

exclusion. In Nepal, exclusion is not only historically rooted, but is also based on multiple schisms of language, regional difference, ethnicity, religion, caste and gender.

Table 2: Population distribution of Nepal by major caste and ethnic group

(Source: National Population and Housing Census 2011)

Caste/ethnic Categories	**Total**
Hill Janajati excluding Newar	22.2
Chhetri	19.2
Terai Middle Castes	13.8
Bahun	12.7
Terai Janajati	8.6
Hill Dalit	8.1
Terai Dalit	5.9
Newar	5.0
Muslim	4.4

As iterated in Chapter 2, Nepal boasts 126 caste and ethnic groups, which can be divided into four categories in terms of their political salience (Lawoti, 2016). The first is CHHE and includes Bahuns, Chettris, and Sanyasis. Despite accounting for only 31.25 % of the population these groups have dominated all elements of the state,and all political parties, as well as civil society, as shown in Table 2 (Central Bureau of Statistics, Nepal, 2012). In the second category are Dalits, designated as untouchables according to Hindu norms. Spread across the hills and the southern plains, Terai, they face immense cultural discrimination, and are the least mobilised among the marginalised groups. The third are the Janajatis, or indigenous nationalities, facing religious and linguistic inequalities. They comprise 36.81% of the population, reside across the three geographic units, speak different languages, and follow varied religions. The Madheshis are in the fourth category who share deep cultural ties with people in Northern India, and have been marginalised on grounds on race, region, language and citizenship (Lawoti, 2016). However, the complex matrix of identity and exclusion ensures that all forms of categorisation leave gaps. For instance, the Newars, who live mostly in the Kathmandu Valley, are dominant economically, despite being a Janajati group, and stand as an anomaly when studying Janajati

exclusion. Further, Tharus, a prominent Terai-based Janajati group, have sought a separate identity from that of Madheshis (Guneratne, 2010; Pandey, 2017). The categorisation also overlooks gender-based exclusion, which has left women on the fringes of society, given the deep-seated patriarchy founded on Hinduism (Tamang, 2011).

Table 3: A timeline of key political developments in Nepal

(Source: Review of documents by the author)

Year	**Key Political Events**
1768	Prithvi Narayan Shah forms the unified Kingdom of Nepal, which becomes the oldest nation-state in South Asia, heralding the rule of Shah monarchy in Nepal.
1846	While the Shah rulers continue to be formal heads of the country, hereditary Rana Ministers assume absolute power, and cut off the country from the rest of the world.
1950-1951	Anti-Rana political parties operating from India, restore the democracy under the framework of Constitutional monarchy.
1960	The democratic period is cut short with King Mahendra dissolving the Parliament, assuming absolute power, and introducing the party-less Panchayat system, which lasted until 1990.
1990-1991	A popular people's movement restores democracy, retaining Constitutional monarchy.
1995	The start of the Maoist People's war
2002-2005	Under the pretext of the People's war King Gyanendra, assumes indirect power in 2002, and all executive powers in 2005
2006-2015	The start of the peace process, with agreements between the Maoists and the Seven Party Alliance (SPA), composed of different non-Maoist democratic parties. The rise of different identity movements, and the institutionalisation of debates on federalism, secularism, security sector reform, and human rights
2015	A new Constitution is promulgated, amidst protests from different quarters
2017-2018	The conduct of national, provincial and local elections for the first time, transitioning Nepal to a federal state, as promised by the peace process.

This process of exclusion has been bolstered by successive regimes, starting from the early days of nation building. The Shah Kings, originated from the mid-hills in Nepal, and since then high caste Hindus from the hills have been closely aligned with the state, and benefitted from an access to power (Whelpton, 1997). Further to this, the Shah Kings, who founded the Kingdom, invoked 'Hinduism', in their quest for a distinctive Nepali identity, in order to appear different from India, which then was ruled by Muslim Moghuls (Whelpton, 1997). This quest later took a legal form, with the Muluki Ain in 1854, which sanctioned a caste-based social order, where diverse castes and ethnic categories were incorporated into a national caste hierarchy, based on Hinduism (Pfaff-Czarnecka, 1997). This ritualistic Hindu order, privileged the CHHE, who were at the top of the caste hierarchy, and on whom the state's economic and political power was vested, thus marginalising people of lower castes, or those outside the caste hierarchies, such as Dalits and non-Hindu Janajati groups. Social exclusion was reinforced economically, through exploitative social relations and extractive state policies in the 18th and 19th centuries, compounding the penury of the peasantry through forced labour, unequal distribution of land and extraction of rent (Regmi, 1976).

Since the 1950s, various regimes and governments have further consolidated this elite state control, and none more powerfully than the Panchayat regime (1960-1990). The Panchayat years saw King Mahendra attempt to engineer a homogeneous Nepali identity, based on a Hindu state, under a Hindu monarchy, alongside the promotion of the Nepali language. This was euphemistically described in such slogans as: 'one nation, one language, and one people' (Dong, 2016; Onta, 2006; Pfaff-Czarnecka, 1997; Tamang, 2011). The promotion of Nepali, as the state's official language, occurred at the expense of a hundred or so other languages (Dong, 2016; Tamang, 2011). Further, this brand of Nepali nationalism, which sought to exaggerate the differences with India, disadvantaged Madheshis, living in the Southern plains (or Terai), given their kin networks across India (Hausner and Sharma, 2013). Additionally, Nepal's Citizenship Act of 1964 introduced residency-related criteria and that of proficiency in oral and written skills in Nepali language, aiming to curb large-scale immigration from India, and again targeting Madheshis (Jha, 2015; UN

RCHCO, 2011). Madheshis were seen as 'India's agents', given their cultural-linguistic semblances, as well as their kinship ties across the border (Burghart, 1994; Pokhrael, 2012; Rose, 1973). Alongside these policies on exclusion, development projects during the Panchayat era included massive resettlement programmes, reinforced by USAID's malaria eradication programme, settling people from the hills in the Southern plains of Madhesh. This resulted in many groups being made landless, such as the Tharus, the largest Janajati group scattered across the Southern plains (Robertson, 2018). Additionally, state expenditure in this period was much lower in the Terai region, than in the rest of the country, despite major industrial centres being sited there, and the region accounting for two-thirds of the national industrial output (Deysarkar, 2015).

Even after democracy was restored in the 1990, long-standing issues of inequalities and exclusion were not addressed (Thapliyal, 2006). During the drafting of the 1990 Constitution, public recommendations on provisions for secularism, affirmative action for marginalised groups, and ethnic, and administrative, autonomy, were disregarded as 'communal issues' (Bhattachan, 2013). Although the Constitution of 1990, for the first time, recognised Nepal as a multi-ethnic, multi-lingual state, it retained its status as a 'Hindu Kingdom'. Indeed, the Constitution also prohibited the Election Commission from recognising ethnic or regional political parties. Rather than reform, this period saw a highly centralised state system, which along with deep-seated patrimonialism, strengthened the economic dominance of the CHHE, through their employment in the civil service and access to public office and funds. This led to a furthering of economic marginalisation, and the under-representation of other groups in state agencies (Hangen, 2007; Lawoti, 2008; Whelpton, 1997). Janajatis, Dalits, Women, Poor Peasants and Madheshis continued to lag behind in the composite Human Development Index (Gurung, 2010). The outcome of this lengthy process of exclusion has been that a minority group, the CHHE, has effectively marginalised all other groups.

With sustained politics of exclusion, the demands for inclusion are not new. Calls to retain Hindi, as a medium of education, and increase the representation of Madheshis

in the civil service, began in the 1950s (Mathema, 2011). Movements for recognition, representation and inclusion, particularly by Janajatis, were given a new lease of life after the restoration of democracy in 1990, with the formation of a consortium of Janajati organisations: the Nepal Federation of Indigenous Nationalities (NEFIN) (Hangen, 2007). However, demands for inclusion, only obtained a political importance with the start of the Maoist conflict, with the Maoists tactically using ethnic grievance as a part of their mobilisation strategy. Not only was tackling the issue of exclusion, a salient part of their 40-point demands, but the Maoists also extensively recruited from marginalised communities into their rank and file (Thapa, 2017). The very composition of the political party was illustrative of their prioritisation of the 'inclusion' agenda (Dudouet and Lundström, 2016). Twenty out of the thirty-seven members of its central decision-making body were from such marginalised groups as Janajatis or Dalits.

Escalation of Conflict and Calls for Human Rights and Accountability

By 2000, through their mobilising of narratives of exclusion, and their strengthened military presence, the Maoists had varying levels of control in rural areas, resulting in the state's withdrawal from the many Maoist-held areas (Basnett, 2009). By mid-2006, over two thirds of the approximately four thousand secretaries of Village Development Committees, the lowest tier of government in rural areas, had been displaced to district headquarters, or areas where the Army had strongholds (Donini and Sharma, 2008). The state's response to addressing the conflict was multi-faceted. Commissions were formed to identify the causes of conflict and how best to tackle them. There were attempts at dialogue through clandestine talks, in addition to counter-insurgency measures, like the Integrated Security Programme, police-led suppression and mass arrests (Hachhethu, 2004; Thapa, 2004; Upreti and Sapkota, 2017).

A key factor inhibiting a coherent approach to dealing with the conflict was the unwieldy nature of political coalitions and political squabbling between the two main parties: Nepali Congress (NC) and the Communist Party of Nepal-Unified Marxist Leninist (UML). Disagreements between these parties and the King brought further

complications. Despite being only a Constitutional ruler, as the commander of the Nepal Army (NA, formerly the Royal Nepal Army), the King decided on critical issues, such as deployment of the Army. In 2001, a crisis on civil-military relations emerged, when the civilian government's proposal to deploy the NA to crush the Maoist rebellion was thwarted by the King (Whelpton, 2005). It was only in 2001, when King Gyanendra declared a state of emergency, and categorised the Maoists as 'terrorists', that the NA was deployed to fight the war (Davis et al., 2012).

The crisis exposed the issue of civil-military relations in Nepal, a problem that had been simmering for some time. For much of its contemporary history, the NA, which played a key role in the unification of the country, had been associated with the monarchy, and seen as the King's Army (Interview with researcher, 6 September 2017, Kathmandu). During Panchayat rule, the monarchy sought to consolidate the control of the military further: taking the role of the supreme Commander-in-Chief of the Army, cultivating loyalties in senior ranks, and appointing retired army officers to civil administration posts (Nepali and Subba, 2005). The restoration of democracy in 1990, and its new Constitution, had little bearing on the NA. It placed the NA institutionally under the Ministry of Defence, but retained the King as the Supreme Commander, leading decisions on its mobilisation (Thapa and Sharma, 2010). The uneasy relationship between civilian authorities and military institutions has existed since then. The absence of resources, capacity and expertise in the Ministry of Defence (MOD), further inhibits civilian forces from overseeing the Army properly (Ghimire, 2017). The MOD has the formal mandate to manage the 96,000-strong Army, but is staffed by only 50 civil servants (Pangeni, 2016). The asymmetry in resources between civilian and military institutions increased during the war, where the NA not only increased in size, from 45,000 to 95,000 between 2001-2006, but also benefitted from advanced training and equipment, through international military cooperation with such countries as the US, the UK and India (Sharma, 2017). Further, the NA has also embodied the exclusive traits of the Nepali state, with traditional leadership largely coming from Thakuri and Chettri clans, closely associated with the ruling class, and through its abysmal representation of women, as well as Madheshis (Interview with political analyst, 18 August 2017, Kathmandu).

The lack of respect for civilian rights and agency was further compounded by the NA's disproportionate use of force, unleashing an unparalleled scale of violence. The decade-long civil war is estimated to have cost 17,000 lives, and the disappearance of over 1300 people. Both the NA and the Maoists engaged in gross human rights violations, including extrajudicial killing, rape, abductions, torture and extortion. Marginalised groups, including Janajatis, Dalits, and women, accounted for many of these cases, given their significant participation in the Maoist cause. Retaliation on these groups by the security forces for being deemed pro-Maoist, resulted in a complex interplay of exclusion and injustice (Sharma and Young, 2010). The scale of violence led Nepali civil society groups, as well as the international community, to call for international monitoring of the human rights situation and a humanitarian response (Donini and Sharma, 2014). Accordingly, in 2005, Nepal accepted the presence of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to monitor human rights (Martin, 2012).

The underlying issue of exclusion, the crisis in civil-military relations and accountability for human rights, which surfaced during the conflict, ensured that there was both the demand and the space to discuss inclusion, SSR and transitional justice. Consequently, these agendas dominated the peace process, despite the co-option and reduced enthusiasm from the political class, as the process continued.

Nepal's Peace Process

Promise of 'Peace'

Global security concerns in the aftermath of the 'war on terror', and the new monarch, King Gyanendra taking the helm, brought radical shifts to the response to conflict. With the purpose of dealing with the insurgency, the King not only 'hired and fired' three different Prime Ministers and their cabinets, but took over direct executive power

in 2005. He suspended all civil and political rights, and arrested the main leaders and other civil society actors (Chalmers, 2007). This was followed by the deployment of the NA, escalating the insurgency further.

Non-Maoist democratic parties formed a coalition, the Seven Party Alliance (SPA), and protested against the King's authoritarian move (Adhikari, 2014). This coup by the King in 2005, however, also catalysed the alliance between the Maoists and the SPA, which crystallised in the form of a 12-point agreement, signed in New Delhi. The SPA agreed to elect a Constituent Assembly (CA) to write a new Constitution, guaranteeing the Maoist demand of 'restructuring of the state', based on inclusion and republicanism. The Maoists, in turn, agreed to renounce violence and accept multiparty democracy (Martin, 2012). This alliance, actively supported by civil society, also forced the King to reinstate democracy (Shah, 2008). Thus, Nepal's nascent steps to mainstream rebel groups through a peace process also catalysed democracy.

The process culminated in the signing of a Comprehensive Peace Accord (CPA) in November 2006, and the beginning of the peace process. The CPA mainstreamed the Maoists as a credible political party, but also committed to carry out 'an inclusive, democratic and progressive restructuring of the state' to foster inclusion (Bell et al., 2017). It committed to diverse pathways to address the grievances of marginalised groups, including: affirmative action (proportional representation of marginalised groups in all organs of the state); changes in the electoral system from First Past the Post (FPTP) to a mixed system (with 40% of representatives elected from FPTP, and 56% elected through Proportional Representation, and 45 nominated by the cabinet); transition from a Hindu state to a secular state (a long-standing demand of non-Hindu Janajati groups); constitutional recognition of all languages, spoken as mother tongues; more gender-friendly citizenship policies; and finally transition from a centralised state to a federal one (added in response to the Madheshi movement). The CPA agreed to set up a High-level Truth and Reconciliation Commission (TRC) to investigate cases of human rights violations, as well as a National Peace and Rehabilitation Commission (NPRC), and Local Peace Committees to oversee the implementation of the CPA (Bell et al., 2017). To resolve issues of civilian supremacy, a commitment was made for a

SSR-like process of 'democratisation' of the NA, alongside a DDR-like process to manage Maoist arms and armies.

The CPA also drew up a rough sequence for the peace process: the promulgation of an Interim Constitution in 2007, the formation of an interim parliament, and the election of a Constituent Assembly (CA) (Bell et al., 2017). The CPA also sought international engagement in the peace process, requesting UN assistance. Responding to Nepal's request, the UN Secretary General at first dispatched Ian Martin as his personal representative. A fully-fledged UN Mission in Nepal (UNMIN) swiftly followed sequel, consolidating the presence of peacebuilders in the process. An Agreement on the Monitoring of Management of Arms and Armies (AMMA) with the UN facilitated UNMIN's leadership in the process of managing of the arms and former Maoist combatants, along with monitoring the cease-fire and the human rights situation, and supporting the conduct of elections.

Rise of Identity-based Movements

Several identity-based movements arose immediately after the promulgation of the Interim Constitution of 2007, as various marginalised groups sought greater guarantees on inclusion. The momentum for identity movements started with that of the Madheshis, initiated by the Madheshi Janadhikar Forum (MJF), on the grounds that the Interim Constitution had only committed to an 'end of unitary state', without any specific commitment on federalism. Their movement centred on questions of regional autonomy and rights of self-determination, calling for a single Madhesh province across the Southern plains. This movement sparked off others, such as that of the Tharus (the Tharuat), in addition to those by NEFIN. All mainstreamed the agenda of federalism within the wider discussion of state restructuring. Together they brought an amendment to the Interim Constitution 2007, committing Nepal to 'federalism' (Bell et al., 2017). How this commitment to federalism, would be translated into the final Constitution, in terms of its institutional modalities, was central to the peace process, and dominated the discussions in both CAs between 2007-2015.

A distinguishing factor of the identity movements was that, while all groups Madheshis, Janajatis, Dalits sought guarantees on inclusion, their strategies were not only different but often contradicted and infringed demands of the other groups. While the Madhesh movement for regional autonomy took a political and often violent form, Janajatis focused on cultural rights and self-determination with nominal political elements. Meanwhile the women's movement was about gender equality; and Dalit mobilisation centred on the removal of untouchability (Tamang, 2017).

Table 4: Participation of different Madheshi parties in the political coalitions between the two Constituent Assemblies (2008-2015)
(Source: Document review by the author)

Prime Ministers leading different coalitions	**Participating Madheshi parties**
Pushpa Kamal Dahal (August 2008- May 2009)	Madheshi Jana Adhikar Forum, Nepal Sadbhavana Party
Madhav Kumar Nepal (May 2009-Feb 2011)	Nepal Sadbhavana Party Madheshi Jana Adhikar Forum (Bijay Kumar Gachhadar as Deputy Prime Minister)
Jhalanath Khanal (February 2011- August 2011)	Madheshi Jana Adhikar Forum (under Upendra Yadav as Deputy Prime Minister)
Baburam Bhattarai (August 2011-March 2013)	Madheshi Jana Adhikar Forum, Nepal, Tarai-Madhesh Loktantrik Party Nepal Sadbhawana Party Nepal Sadbhavana Party (Anandidevi)

The political mobilisation of the Madhesh movement has been credited for its success, relative to the other groups. The sheer number of political parties, formed to represent Madheshi interests, evidences the political nature of their activism. Until 2007, the Nepal Sadbhavana Party was the only political party supporting Madheshi interests. After the 2007 movement, a host of new political parties, including Madheshi Janadhikar Forum (MJF), and the Terai Madhesh Loktrantrik Party (TMLP), emerged as powerful actors, deciding the fate of coalitions in Kathmandu (Gautam, 2008; Jha, 2017; Jha, 2014). Their political strength compelled the state to increase electoral seats

in the Terai, along with the commitment to federalism (Miklian, 2009). As the peace process proceeded, the proliferation of Madhesh-based parties, with constant splits and mergers, and the participation of Madheshi political parties in different coalitions, as demonstrated in Table 4, caused schisms within the movement.

The political activism of Madhesh contrasts with Janajati mobilisation, where most Janajati political leaders contested the election from within traditional political structures (Tamang, 2010). While the Janajati movement started in the 1990s, at the a time of a global momentum to recognise indigenous peoples and cultures, the movement centred on religious freedom, linguistic equality and the promotion of Janajati culture (Onta, 2006; Pfaff-Czarnecka, 1997; Pradhan, 2002). NEFIN, only undertook more political activities, after their participation in the democratic movement of 2006 (Hangen, 2007). This political activism became more pronounced after the CPA, when ethnic organisations, like NEFIN, protested seeking guarantees for a secular state, as well as a comprehensive state restructuring, proportional representation for indigenous nationalities, and the right to use ethnic languages in education and government offices (Hangen, 2007). The protests eventually resulted in an agreement between the government and NEFIN, promising recognition of other local languages as official languages alongside Nepali; instituting a State Restructuring Commission to input on the transition to a federal state; and the ratification of the International Labour Organisation Convention 169 (ILO-169), on the rights of indigenous people (Bell et al., 2017).

Beyond isolated strategies, some of these campaigns further contradicted each other. For instance, in 2009, the Tharuhat movement sought to be treated as a separate ethnic group, and not subsumed under the Madheshi identity, demanding a Tharuhat province, in direct opposition to that of Madheshis to have a single Madhesh province (Guneratne, 2010; Pandey, 2017). Movements by the Muslim minority in Nepal, especially in the Terai region, to claim recognition of their distinct identity, further demonstrated the intersectional nature of identities in Madhesh (Mabuhang, 2015).

However, within this broader discussion on inclusion, questions of peasants and the poor have not featured in the political debate on inclusion, thus inhibiting any intersectional approach. This is despite the historical evidence, which points to a systematic marginalisation of peasantry, through unequal land distribution, exploitation through free labour and extraction of rent (Blaikie et al., 2002; Sugden et al., 2018). This is also regardless of the explicit mention of the question of landlessness, the peasantry, and poorer classes, in the 40-point demands of the Maoists.

Trajectory of the Peace Process

In an effort to incorporate the demands and outcomes of ethnic movements within the framework of the peace process, there were incessant negotiations at both a horizontal level between contending elite groups: the Maoists, Madheshis, and the traditional parties; as well at the vertical level: between the elites and the wider society, represented by groups like the Janajatis, and victims groups campaigning for addressing the legacy of human rights violations committed during the conflict. After the elections for the CA in 2008, the interim power sharing agreement, in place since the promulgation of the Interim Constitution, was dissolved. Until 2008, the NC had led the government with equal participation of the Maoists and the UML. The surprise victory of the Maoists in 2008, and the rise of Madheshi factions, changed the political equation. The political sea change was also evident in the very composition of the CA. The Maoist win, the solid performance of Madheshi parties, as well as broad constitutional guarantees for inclusion, enabled CA(I)[2] to emerge as the most diverse state institution in the history of Nepal. Women made up 33% of the seats; Janajatis 36%; the Madheshis 23%; and Dalits 8% (Dudouet and Lundström, 2016).

With these changes the former political forces, of the NC and the UML, felt the threat from the new parties: not only the Maoists who had recently mainstreamed into democratic politics, but also the different Madheshi factions. Dissension between the

[2] Given that there were two Constituent Assemblies between 2008-2015, with the first having failed to promulgate a Constitution, I will use CA (I) for the CA between 2008-2013 and CA (II) to signify the CA from 2013-2015.

original elites, represented by the NC and the UML, and the newer competing elites ensured that agreements or pacts between them, were central to the implementation of the commitments of the CPA. This was more so, as commitments on such issues as federalism were left open-ended. For instance, the Interim Constitution left the boundaries, number, names and structures, as well as full details of the lists of autonomous provinces, and allocation of means, resources and powers to be determined by the CA. Similarly, through the AMMA, UNMIN supported components of DDR, like cantoning of former Maoist combatants into camps across Nepal, facilitating the storage of their weapons and monitoring of the process; it left issues, like the integration of former Maoist combatants into the NA, and the number, rank and file of those requiring integration, open to negotiation.

Agreements or elite pacts, formal and informal, were critical in ensuring horizontal inclusiveness to accommodate contending elites, and vital for fulfilling the commitment on issues like federalism and SSR. However, these pacts were also detrimental to the negotiations for a more long-term vertical form of inclusion, which could widen the contract of state-society relations. The centrality of 'elite pacts', formal and informal, affected the peace process and its agendas of inclusion, SSR and transitional justice, in three distinct and powerful ways (Menocal, 2015). Firstly, these horizontal elite pacts brought a divide between the *political process* and the *peace process*. The political process saw the making and breaking of 7 different coalitions, including a technocratic government instated to oversee the second CA elections in 2013. Given their intense focus on executive power-sharing, the political process was prioritised, thus transcending, or even rendering the peace process sub-prime. The energies of the political leadership were focused on political negotiations on powersharing, leaving the peace process, focused on the CA, as secondary. Political leaders rarely invested in CA deliverables (Interview with Civil Society representative, 16 August 2017, Kathmandu). On average over a third of CA members were regularly absent, and prominent senior leaders, who had promoted the peace process rarely attended. The former Prime Minister, Girija Prasad Koirala, attended the CA proceedings only three times (Martin Chautari, 2010). Further, the political leadership was rarely involved in the discussions of the thematic CA sub-Committees, and was

barely aware of choices made at committee level by CA backbenchers (Adhikari, 2014).

Secondly, the centrality of elite pacts ensured that the ideological ambition, of whichever coalition was in power, dictated the fate of commitments, like inclusion, and the peace process vacillated according to the whims of the political process. The changes in the debate on federalism confirm this. A pro-federalist stance was adopted after the Maoist- Madheshi win in the 2008 elections, which swung round to an anti-federalist stance in 2013, with the NC and UML's electoral win.

Lastly, many of the elite pacts contravened the discussions of the CA, or the commitment in the CPA (Interview with Member of Parliament, 14 August 2017, Kathmandu). These three factors, emanating from the misalignment between the political process and the peace process, also impacted the individual trajectories of the three arenas on which this thesis focuses: inclusion, SSR and transitional justice.

Regression on the Commitment for Inclusion

Despite a multi-layered commitment to inclusion in the Interim Constitution, encompassing federalism, affirmative action, electoral system, secularism, there were swift reversals.

At the heart of the issue of federalism was the sheer difference in the level of commitment by the various political actors involved. From the outset, the balance was between the 'reluctant federalist' (Bogati et al., 2017) characterised by older parliamentary parties like the NC and the UML, who committed to federalism to stem the violence in the Madhesh, but were not keen for a systemic overhaul to accommodate marginalised groups (Jha, 2016). In the other camp, were the Maoists, Janajatis and Madheshis, their differences notwithstanding, who saw in federalism a pathway for a genuine transformation of the Nepali state. The 'reluctant federalists' tended to build their narrative around how federalism threatened 'disintegration of the

nation', and that within federal settings the 'minorities' within provinces would be second-class citizens (Tamang, 2014).

Opposing groups of the anti-federalist and pro-federalist parties meant that the Maoist-Madheshi coalition, which came to power in 2008, gave a strong foundation to inclusion. This pro-inclusion alignment diminished when Madheshi parties left the coalition, resulting in its collapse in 2009. This was triggered by a crisis in civil-military relations, when Maoists sought to sack the Army Chief, on the grounds that the Army had extended the tenure of eight brigadier generals, not sanctioned by the Maoist government (Bidwai, 2009). Instead of calling for a broader overhaul in civil-military relations, all non-Maoist parties, including the Madheshis, jumped on the bandwagon against the Maoists in support of the NA. This led to the Maoist government's collapse, while the Army Chief stayed in post, based on a contentious Presidential decision. However, given the inability of the CA (I) to write a constitution by 2012, an election of a new Constituent Assembly (CA (II)) was called for in 2013. Reversing the electoral outcomes of 2008, the NC and UML won these elections. The anti-federalist lobby read their mandate as being against 'federalism' (Interview with political analyst, 20 August 2017, Kathmandu). The revival of the electoral fortunes of the traditional NC and UML, also led the Maoists to reassess their position on federalism. This Maoists believed their failure was due to an overwhelming focus on ethnicity, without due consideration for poor people within the CHHE category (Adhikari and Gellner, 2016). This led them to veer away from the idea of 'ethnic federalism' which centred on giving prior rights to people of the dominant ethnicity in different provinces (Adhikari and Gellner, 2016).

The rise of the NC and the UML, post 2013, also impacted upon the secularism debate. Despite the Interim Constitution formalising the transition to secularism, subsequent years saw political mobilisations against it. Secularism was seen to have been hurried into the Interim Constitution, without substantial discussions at public or political levels (Interview with Editor-in-Chief, 7 August 2017, Kathmandu). Politically, only the Rastriya Panchayat Party, formerly associated with the royal regime, and with nominal numbers in both CAs, had championed the cause of a Hindu state. However,

in around 2013-2014, bolstered by the return of more conservative parties in the government, there were protests by anti-secular Hindu nationalist forces, calling for the state's guarantee on secularism to be revoked (Wagner, 2017). Hindu nationalist associations, and some segments of political parties like the NC, opposed secularism, arguing that Hinduism was a shared Nepali heritage, and that Hinduism as a religion is itself secular (Letizia, 2012). The backlash was further woven into narratives of conversion and proselytising, where secularism began to be seen as ' peddled' by European donors, to convert Hindus to Christianity through monetary and other inducements (Dahal, 2016).

Apart from the political differences between parties on the issue of secularism and federalism, elite pacts between these very parties also subverted CA proceedings on the debate on federalism. In 2008, the CA tasked the Restructuring of the State and Distribution of State Power Committee to recommend principles to determine the delineation of federal boundaries, its structure, and the distribution of power between levels of government (Constituent Assembly- Nepal, 2010). The Committee report proposed the division of Nepal into 14 federal provinces, considering both issues of identity (ethnicity, community, language, culture, regional and historical continuity) and capacity (availability of natural resources, status of development infrastructures and administrative convenience). However, the report failed to please political parties of all hues, who submitted counterproposals (Constituent Assembly-Nepal, 2010; Thapa, 2017). This led the government, in 2011, to dissolve this Committee and form another body: the High-Level State Restructuring Commission, in order to find an 'acceptable compromise' between political parties. This Commission too could not agree on a final report, as its members were themselves divided. The majority of members backed a proposal for 10 states, while the rest backed a 6- province model. The latter model privileged 'resources and capacity of the provinces' over 'identity' and was supported by members of NC and UML (Constituent Assembly- Nepal, 2010).

The division continued, with political parties refuting cross-party mobilisations on inclusion in the CA, by proscribing cross-party caucuses of those CA members, representing Madheshis, Janajatis and women's groups, who sought to forge a united

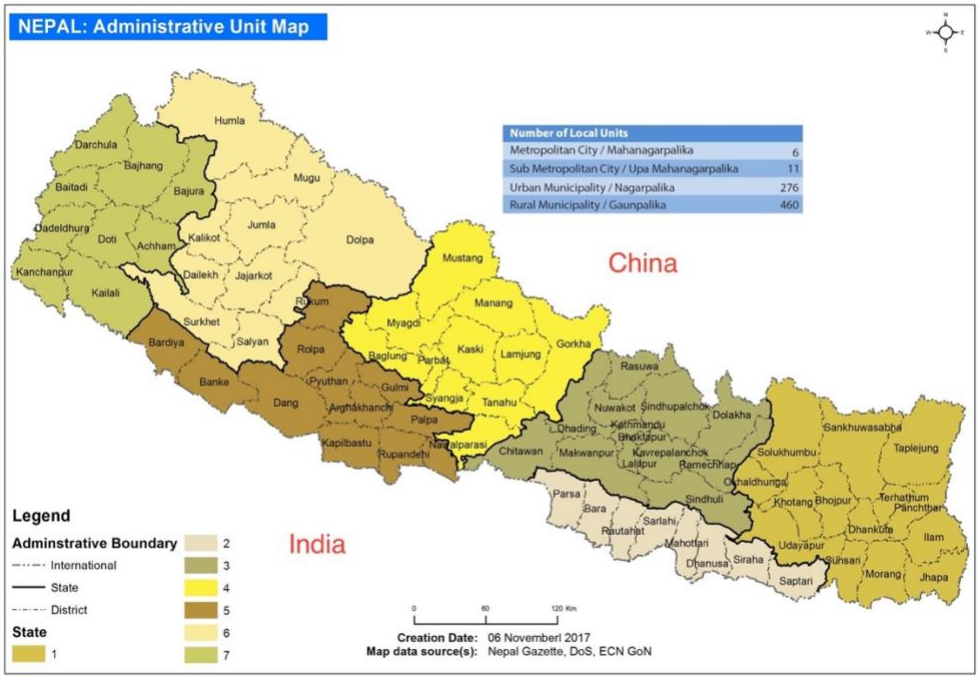
stance on inclusion. The whips of senior political leaders of different parties compelled these caucus members to adhere to the party stance. So negative was their perspective on caucuses, that in the CA II, the formation of caucuses was prohibited (Malagodi, 2014). Apart from abandoning, or subverting, processes in the CA, these elite pacts also thwarted the demands of marginalised groups, such as the Janajatis, who were advocating for a federalism prioritising ethnic identity, rather it being a mere exercise in administrative decentralisation (Hachhethu, 2014).

The final decision on federalism did not come from the CA, or the many campaigns by different identity-groups, but was rather, an elite pact between the leaders of four major political parties. In 2015, in the aftermath of the national crisis of a massive earthquake, in a bid to expedite the Constitution writing process, and in order to concentrate on recovery from the earthquake, the leaders agreed to the six-province federal model (later amended to 7). Provincial boundaries were gerrymandered to retain the dominance of CHHE (Interview with Constitutional lawyer, 12 August 2017, Kathmandu). Any commitment to 'genuine autonomy' was sabotaged, and the 2015 Constitution saw further major reversals to other inclusion-related pledges. Affirmative action in the Interim Constitution had embraced polices, such as 33% female representation in all organs of state, as well as the allocation of 45% of civil service seats for marginalised groups. However, the 2015 Constitution further weakened this agreement, by adding the already over-represented category of 'Khas Arya', or CHHE, as one of the 'communities' entitled to reservation. The mixed electoral system of 40% representation through FPTP, and 56% through PR, was reversed to 40% representation from PR and 60% through FPTP. Equal citizenship rights to women were also denied, and foreigners married to Nepali women did not qualify for Nepali citizenship. Their children were only eligible for naturalised citizenship (Rai, 2018).

Not surprisingly, this 2015 Constitution remains controversial. Its federal delineation saw a backlash from many quarters. The first of these was from the Mid-Western Hills, where political groups were against the regional division. There followed a series of protests and shutdowns by Tharus, Madheshis and Janajatis in different parts of the country. Part of the Madheshi protest in the Terai saw the 'blockade' of the Nepali-

India border in 2015. Primary trade routes were blocked. Their demands included proportional and inclusive representation, the delineation of constituencies based on population, and changes to the federal demarcation of boundaries, and finally citizenship.

Figure 3: Political map of Nepal- distribution of the newly formed provinces (Adapted from Map Centre at http://un.org.np/resources/maps)



Limited Enactment on Security Sector Reform

SSR and DDR, as formal terminologies, did not enter the vocabulary of the Nepali peace process (Interview with SSR expert, 3 September 2017, Kathmandu). However, the Agreement on Management of Arms and Armies (AMMA) committed to undertake a DDR-like process, to canton Maoist combatants, disarm and store their weapons, verify them, and finally rehabilitate them into society, or integrate them within the Armed forces, the latter being the common option for DDR globally. The CPA also committed to an SSR-like process of 'democratising the Nepal Army'. It pledged to ascertain the most appropriate numbers for the Army, to provide training on values of democracy and human rights, and finally to ensure that the NA was inclusive (Bell et al., 2017; Wagle and Jackson, 2015).

The integration of the Maoist Army, the People's Liberation Army (PLA), into the NA was a major demand of the Maoists (Nayak, 2009). DDR, without this integration, was seen as an attempt to liquidate them, and treat them as a vanquished force. The NA, in turn, was unwilling to take on politically tainted soldiers, believing it would compromise its 'professionalism' (Interview with SC member, 31 August 2017 (b), Kathmandu). In essence, the NA was averse to the very premise of CPA and AMMA, which equated it with the PLA (Sharma, 2017). It therefore argued against PLA integration, as well as pressure to 'democratise' or downsize (Interview with researcher, 6 September 2017, Kathmandu). All other non-Maoist political parties agreed the NA, given its historical monarchist association, needed to be brought under civilian control. However, they associated integration with weakening the NA, and strengthening the Maoists (Interview with SSR expert, 3 September 2017, Kathmandu). The political parties agreed to the removal of the 'Royal' prefix, and brought the 'Nepal Army' under Prime Ministerial governance, to uphold the spirit of civilian supremacy. This role became that of the President later. However, the Maoists demanded more, stating that the exclusive character of the NA, with its dismal representation of Madheshis and women, needed to be made more inclusive, and its elite overtones needed to be addressed by integrating the PLA (Jha, 2014).

The traditional forces, of the NC and the UML, largely sided with the NA. In the verification process of Maoists arms and armies, 3,475 weapons and 31,000 soldiers were submitted, sparking a heated controversy suggesting combatant numbers were inflated. The NA and non-Maoist political parties had estimated a total of between 5,000 and 10,000 (International Crisis Group, 2011a). The NA also wanted to only register soldiers who presented with weapons, on an implicit 'one solider one weapon' basis (Martin, 2012). Convinced that numbers were inflated, non-Maoist parties also resented that the state had to fund the arrangements for cantoning an inflated number of combatants, since certain percentages of monies went to the Maoist party (Interview with political analyst, 20 August 2017, Kathmandu).

In 2007, the PLA were brought into UN managed camps, and their weapons collected and registered by UNMIN. Combatants, recruited after May 2006, and who were 18 years old were verified, while minors under 18 were discharged with no further support from the state. It was believed that while Maoists had cantoned new recruits, with the promise of lucrative posts in the Army and/or rehabilitation packages, many core fighters eschewed the process, to remain in their political wing, the Young Communist League (YCL) (Adhikari, 2012). Further, there were concerns about not all arms being kept in UN monitored containers. Additional anxieties surfaced about cantoned PLA members leaving the camps to join political activities, in a few instances even resulting in violence, as well as the YCL's continued recourse to intimidation and coercion (Nepali Times, 2008). This led other political parties to question UNMIN's effectiveness in monitoring the PLA and arms. The UN's verification processes were seen to legitimise new recruits, meanwhile choosing to look away from the YCL, leading commentators to point fingers at the UNMIN for being 'pro-Maoist' in their stance (Subedi, 2014). UNMIN scapegoating eventually led non-Maoist political parties to campaign for UNMIN's exit, with India's support (Adhikari, 2014). As a result, it left Nepal before the deliverables under the AMMA agreement were complete: something it had been tasked to do. Only after UNMIN's exit, when the Special Committee for Supervision, Integration and Rehabilitation of the Maoist Army Combatants (SC) took charge, did the discussion on integration make headway (Wagle, 2019)

Amidst such political altercations, technical differences about the management of arms and armies hampered the process. The numbers (how many Maoists to be integrated); norms (criteria through which integration and rehabilitation of former combatants would be proposed); modality (unit integration or individual integration); rank (whether there would be rank equalisation between the NA and the PLA), and resources for rehabilitation were all contested issues (Interview with member of SC, 31 August, 2017(b), Kathmandu). Yet again, as for previous questions of inclusion, the resolution of these political and technical differences was in the hands of an elite pact of four main political parties. A 7-point agreement forged between the political leaders in 2011 included: a maximum of 6,500 PLA soldiers to be integrated under a

NA directorate, with 65% of personnel representing the NA; a relaxation of one level of education; and three years of age for Maoist combatants on NA enlistment (Seven Point Agreement, Bell *et al.*, 2017). Two further schemes were decided upon: 'voluntary retirement' where combatants could take cash packages between 800,000 Rupees to 500,000; or 'rehabilitation' where combatants would be offered vocational training, in addition to cash settlements. As the process concluded, of the 19,602 verified combatants, 15,624 chose voluntary retirement; 1,422 ex-combatants were integrated into the NA and only six ex-combatants opted for rehabilitation (Wagle, 2015).

The marginal number choosing integration into the NA, and opting for voluntary retirement instead, is attributed to fears of being discriminated against within the NA, and an expectation of unrealistic training schemes, as well as the educational requirements for entry into the Army (Bogati, 2015). On the SSR side, in 2009, the government formed a 'Committee for the Recommendation for the Formulation of the Plan for the Democratisation of the Army and Improvement of the Security Apparatus', convened by the Defence Minister. This committee is said to have submitted a detailed plan on democratisation but, since the report has not been made public, there has been no national conversation on the same (Sharma, 2017).

Nepal's experience of DDR went against the global grain, not least as regards the option of voluntary retirement, where former combatants would merely receive cash and 'go home', without any further monitoring. It proved controversial with the liberal peacebuilding community, who argued about the dangers of former combatants regrouping and becoming troublemakers (Interview with member of SC, 10 August 2017, Kathmandu). However, there were no instances of former combatant regrouping (Interview with members of SC, 10 August; 31 August, 2017, Kathmandu). Uphill challenges have been faced by discharged combatants in their social and economic integration, given social stigma, absence of opportunities, and lack of education and work experience (Simon et al., 2016). Combatants, discharged as minors, have demanded compensation, even petitioning the United Nations Office of the High Commissioner for Human Rights in Geneva (Ghimire, 2019). This has led also to some

scholars arguing that Nepal's experience significantly lacked reintegration within the DDR continuum (Subedi, 2014).

Elite pacts, thus, have led to a partially successful DDR but bereft of political agreement on SSR, the agenda has been neglected. As Sharma notes, 'Since the main political parties are not committed to introducing structural reforms, the NA remains the most powerful, well-organised and, to some extent, the most autonomous institution of the Nepali state (Sharma, 2017, Pg 45).

An Elusive Journey to Transitional Justice

Any discussion on transitional justice, in its very essence incriminates the most powerful brokers of Nepali political settlement. These are the NA; and the NC, which oversaw the Army's mobilisation in the early 2000s, a time of the gravest human rights violations; and thirdly the Maoists. Despite its accountability to the CPA, the NA insisted the civilian court does not have the authority to look into wartime cases, and further, that its own military tribunal had already investigated and taken 'departmental action' against the offenders (Rai, 2018). This reluctance was transformed into outright opposition, when the UK arrested a Nepalese army officer, Colonel Kumar Lama, on the basis of 'universal jurisdiction' in the UK, for his role in the torture of Maoist detainees during the war (Interview with Member of Parliament, 11 December 2018, Kathmandu). The NC party has been in favour of a blanket amnesty, not wanting its senior leadership implicated (Interview with SSR expert, 3 September 2017, Kathmandu). Initially Maoists were reluctant to consider a comprehensive form of transitional justice, and instead focussed on raising the issue of disappearances carried out by the security forces. Later, as the discussion on transitional justice broadened to include violations by the Maoists themselves, they tried to water down the agenda (Selim, 2018). The Maoists, while in government, tried to amend the TRC law, to transfer cases from the Commission to the regular judicial system, articulating that the focus should be on reconciliation (Jha, 2016). Given the ability of the issue of transitional justice to unravel political settlements, formal commitments to it have been regularly retracted.

The CPA, in a bid to address the legacy of violence, called for various transitional justice mechanisms. The provisions included the formation of a high-level Truth and Reconciliation Commission to: investigate human rights violations in an 'impartial' way; carry out relief work with, and rehabilitate, people displaced by war; as well as 'ensure the rights of the victims of conflict and torture and the family of disappeared to obtain relief' (Bell et al., 2017). In 2007, a Supreme Court judgement ruled that a commission of inquiry on conflict-related disappearances be formed, thus adding the Commission of Investigation on Enforced Disappeared Persons (CIEDP) to the transitional justice architecture (Sharma, 2017).

Various consultative processes were undertaken to support the institutions. Based on two draft bills, and nineteen rounds of consultations, the Ministry of Peace and Reconstruction submitted separate bills, one to establish the TRC, and the other the CIEDP. However, during the discussion of both bills in the CA (I), the Government arbitrarily withdrew them. It then dismissed the entire process, replacing it with a Declaration of the formation of a Commission of Truth and Reconciliation (Sharma, 2017). Even this mandate, which was much more parochial and unrepresentative of any discussion on transitional justice so far, was promoted by a caretaker government of technocrats, who had been brought in to oversee the elections in 2013, rather than by political parties. The Supreme Court of Nepal ruled that the Declaration contravened international human rights, and blocked its implementation. It further called on the Government to enact laws that would criminalise gross human rights violations, and to seek expert advice on the redrafting of the TRC bill (International Commission of Jurists, 2014). The government did form an 'Expert Task Force', however an elite pact of leaders of major parties, undercut discussions with victims' groups, as well as debate in the CA. Disregarding the input of the Task Force, it passed the TRC Act in 2014 (International Commission of Jurists, 2014). The Act reneged on the core demands of victims, as well as flouting international laws. For instance, Section 26 states that the commission can make recommendations for amnesty to the government if found 'reasonable' (Government of Nepal, 2014). Additionally, the commissioners were to be designated by political parties, already implicated in the

transitional justice debate, an action viewed as compromising its independence (International Commission of Jurists, 2014).

This inadequate legislative framework was further damaged by the underfunding and under-staffing of these institutions, with government only approving 60% of the TRC's staffing requirement (Ghimire, 2018; The Record, 2018). Concerns about a lack of confidentiality, and security threats for victims who made complaints, appeared to inhibit the process of registering complaints, in the absence of victim and witness protection provisions in the TRC Act (International Commission of Jurists, 2017). The registration of complaints was through Local Peace Committees, a local level dispute resolution mechanism established after the signing of the CPA, and run by an all-party coalition. A lack of trust in these Local Peace Committees to register complaints further destroyed any public faith in the process (Nepal, 2016). Despite all odds, 50,000 cases were logged at the TRC, while another 3,000 cases were filed at the CIEDP.

After the complaints, however, little progressed, apart from preliminary investigations. Reparation for victims has been the only deliverable of the transitional justice debate. However this reparation has not been about 'restitution, compensation, rehabilitation and guarantees of non-recurrence', but rather an interim relief measure (UNOHCHR, 2016). Victims' demands to revisit amnesty provision remain unfulfilled (Jeffery, 2019).

Elite pacts have been responsible for truncating the legal framework of transitional justice institutions, but some political pacts have gone further to breach the commitment to accommodate human rights. In the context of limited political appetites for transitional justice among the Maoists, the NC, and the NA, the UML was seen as a potential ally for victim groups, as it was not implicated directly. However, in 2016, when the Maoists threatened to leave the coalition with UML, the two parties signed a 9-point agreement, where they agreed to 'withdraw or give clemency on insurgency-era cases and other politically-motivated cases filed on various occasions', in a bid to retain the Maoist support for their coalition (Selim, 2018). The use of a transitional

justice agenda as a lever to threaten the Maoists, and extract political concessions, was further consolidated in 2017 with the UML's merger with the Maoists to form the Left Alliance, allegedly with China's backing (Interview with peace negotiator, 8 August 2017, Kathmandu). Given the sheer absence of political will, subsequent governments have failed to adhere to the Supreme Court's call to align transitional justice with international norms. Instead perpetrators have been rewarded with promotions, lucrative postings within the United Nations Peacekeeping forces, and have gone on to be Parliamentarians and cabinet members (International Commission of Jurists, 2017).

Having discussed the impact of elite pacts, and the centrality of the political process in the shaping of agendas of the peace process (inclusion, SSR, and transitional justice), this chapter turns to the international dimension of the peace process.

Invoking International Engagement in the Peace Process

Broad Contours of International Engagement in the Peace Process

While largely a domestic affair, the peace process and the CPA provided a framework for international peacebuilding initiatives to lend support (United Nations Nepal, 2016; Whitfield, 2012). Consequently, this period saw a great proliferation of international actors. Indian engagement in the process occurred simultaneously with that of liberal peacebuilders. The latter comprised a motley collection of actors, such as the UN, bilateral aid agencies of Western states, and International NGOs.

In the initial period of the process, after 2005, there was agreement between India and the Western international community, about the need to mainstream the Maoists. India facilitated the 12-point agreement, signed between the SPA and the Maoists in New Delhi, which catalysed the CPA and the peace process. Between 2003 and 2012

however the Maoists were placed on the list of 'terrorists' by the US. Given this categorisation, the US suspended aid when the Maoists entered the interim government. Despite these initial apprehensions, the US ultimately supported the Indian position on mainstreaming the Maoists with the CPA (The Nepali Times, 2007). In the prelude to the process, when the US and the NA were not fully on-board about negotiating with the Maoists, India assured them it would stand as the 'implicit' guarantor (Interview with researcher, 3 October 2018, New Delhi). While there was no formal facilitator in the CPA, India played an important role (Martin, 2012).

Similarly, 'peacebuilders' had a distinctive place in Nepali polity, even before the peace process. For decades they had established their role as development partners or aid providers: an issue to be discussed in the next section. During the conflict, peacebuilders had unsuccessfully attempted to forge an alliance, between the monarchy and the Maoists, as well as between the Maoists and political parties, in different phases before the CPA (von Einsiede and Salih, 2017). Before the end of the conflict, International NGOs, such as Amnesty International and the International Commission of Jurists, had been key in highlighting issues of human rights violations, and had provided active support on human rights monitoring (Farasat and Hayner, 2009; Rawski and Sharma, 2012). There were strong partnerships between peacebuilders and domestic civil society, which had further helped create bottom-up demands for transitional justice, and inclusion in Nepal (Selim, 2018).

While both India and the peacebuilders agreed on the need for a political pact between the Maoist and the SPA, that would end the civil war, there were salient differences. Western countries, including the US, vouched for an increased role for the UN and other NGOs. India was not comfortable with this (Muni, 2012). This was despite the fact that the UN began its work quietly, following the secretary-general's offer of 'good offices' in 2002. By 2005 Nepal had one of the largest field presences of the Office of the United Nations High Commissioner for Human Rights (OHCHR), with a robust human rights monitoring mechanism (von Einsiede and Salih, 2017). However, Girija Koirala, the Prime Minister of the Interim Government, gave credible guarantees to accommodate Indian concerns (Interview with peace negotiator, 8

August 2017, Kathmandu). Further he asserted that India would have to take the role itself, if it was not willing to let the UN manage the peace process, something Delhi was not prepared to do (Muni, 2012). A UN presence was also demanded by Nepali civil society groups, who lobbied for a special mandate for a special rapporteur, to investigate allegations of human rights violations (Rawski and Sharma, 2012). In trying to reconcile Indian concerns, about a UN presence in the region, with Nepali demands for a UN mission, a middle path was taken. It was decided not to have a peacekeeping mission, with armed troops, but rather a political mission with 'qualified civilian personnel': a very different model to that to which the UN was accustomed (Martin, 2012).

There were also variations in modalities, with peacebuilders focused on institutions to enable a smooth delivery of CPA. By 2007, with the launch of the peace process, peacebuilders had established two main mechanisms to aid the peacebuilding process: The Nepal Peace Trust Fund (NPTF) and the United Nations Peace Fund for Nepal (UNPFN). The NPTF, financed by eight Western donors,[3] was overseen by the Ministry of Peace and Reconstruction and supported CPA-mandated commitments. These included: managing cantonments; reintegration of combatants; rehabilitation of Internally Displaced Persons; election of the CA, strengthening of law and police administration, and the provision of broader support to the peace process (United Nations Nepal, 2016). Similarly, the UNPFN was established to finance projects petitioned from UN organisations (United Nations Nepal, 2016). Despite individual variations in priorities, a disparate group of countries funded the UNPFN: the United Kingdom, Norway, Denmark, Canada and Switzerland. Finance also came from the global UN Peacebuilding Fund. From 2007 to 2016, UNPFN, endowed with USD 44.5 million, was the main funder of the UN's peacebuilding interventions in Nepal, thereby contributing to the constitution writing process and supporting the preparation, organisation and conduct of the 2007 and 2013 CA elections (United Nations Nepal, 2016).

[3] The Fund was supported by Denmark, European Union, Finland, Germany, Norway, Switzerland, UK and the US.

These varied mechanisms supported the establishment of a number of peace-related institutional structures. These ranged from peace organisations directed by the CPA, such as the Local Peace Committees (LPCs), to those supporting the implementation of CPA requirements, such as the Election Commission, and the National Human Rights Commission (NORAD, 2017). Non-state institutions also aided the process: the NPTF; the Nepal Transition to Peace (NTTP) a track 1.5 dialogue process, enabled by national facilitators; and the Centre for Constitutional Dialogue supported by the UNDP to build the capacity of the CA (Sapkota, 2017). Through these institutions, peacebuilders sought to support election monitoring and civil society groups; to provide technical expertise and mediation support; and finally to promote a broader civil awareness of the whole process (DANIDA, 2013). In contrast to the peacebuilders, who favoured an institutional structure for advancing the peace process, India and China did not support such proceedings.

The ability of India to stand as a guarantor, or that of peacebuilders to shape institutions of the peace process, however needs to acknowledge the historic and geographic determinants of international engagement. In Nepal, this history is complicated by Nepal's profound dependence on India, and the subsequent quest of Nepali elites to counter-balance this dependence, by strengthening connections with China, and in reaching out to the West, to diversify foreign relationships (Rose, 1973). The next section delineates the contours of these historic and geographic determinants.

'India-locked': India's Centrality in Nepal

The threads of history, geography, ecology, economy, and socio-political interactions bind Nepal-India relations. Nepal borders five Indian states (Sikkim, West Bengal, Bihar, Uttar Pradesh and Uttarakhand). Nepal and India share an open border of 1168 miles, with freedom of movement for citizens of both countries. Given India's position as regional hegemon, its policy on Nepal has prioritised safeguarding its economic and security interests. This has been achieved through preventing the use of Nepali territory by hostile third parties, and any collusion with cross-border anti-state factions, in addition to reinforcing its dominant influence in Nepal (Ghimire, 2018; Muni,

2015). Indian policy has tended to see the Himalayas as a barrier between the Indian subcontinent and China (Bhasin, 2005). Nepal's strategic position as a potential buffer between the two powers was heightened after China's occupation of Tibet in 1950 (Thapliyal, 2012). India's security concerns have led it to forge links with Nepal in security, and in political, economic and cultural domains, by trying to instate mutual security mechanisms, in the name of their 'special relationship'. The aim is coordination in foreign policy, and for Nepal to be a cooperative regime (Dabhade and Pant, 2004; Muni, 2015a). In the economic realm, India's concerns about water sharing and energy security are paramount. The rivers from Nepal contribute 46% of the water flowing into the Ganges river, which is a lifeline for the plains of Northern India. In addition its rich hydropower potential has ensured Nepal has been central to India's concerns about energy security (Sahu, 2015). Water sharing and discussions on Indian investments being used to exploit the hydropower potential, have been core to the bilateral relations, albeit some of the most contested (Jha, 2013; Rao and Prasad, 1994; Upreti, 2016).

This securitised Indian view of Nepal is further complicated by Nepal's sheer asymmetry vis-à-vis India. As a land-locked country, Nepal relies on India for trade and transit. The pegging of Nepali currency to Indian rupees reinforces their asymmetric levels of economic development. Further issues are Nepal's reliance on imports and exports from India, the presence of tariff and non-tariff barriers, and finally a weak infrastructure, preventing more advantageous trade agreements (Nayak, 2010; Pandey, 2011). Beyond the economy, unparalleled people to people relations, facilitated by cross-border ethnic ties, bind Indo-Nepal relations. The open border, allowing Nepalis to work in India and the vice versa, is an economic lifeline for many in Nepal (Deshpande, 2017). Bilateral relations are further strengthened, not only by the relationship between various political parties on both sides of the border, but also through military ties, not least the unique tradition, wherein their respective Chiefs of Army Staff are appointed as Honorary Generals of the other's forces. Nepalis also are enlisted in the Gurkha regiments of the Indian Army. The special relationship is encoded in the form of the 1950 Treaty of Peace and Friendship, and the Treaties of Trade and Transit. The treaties provide for reciprocal treatment for citizens of the both

countries and information sharing on security threats. They restrict Nepal's imports of arms from non-Indian sources without Indian agreement and establish frameworks for trade and transit for import and exports (Nayak, 2010; Subedi, 1994). The asymmetrical dependence between the two countries, in addition to India's effort to force through a special security regime, has led to widespread resentment in Nepal (Chaturvedy and Malone, 2012).

The most contentious part of Indo-Nepal relations, however, has been the political dependence of Nepali elites on India. They have held India in high esteem, in order to gain power, often bartering some security-related guarantees. However, when out of power they have drummed up 'anti-India' sentiments (Interview with Professor specialising on South Asia, 13 October 2018, New Delhi). Historically, India has been a key broker in all political developments in Nepal. For it was India, in 1951, who brokered the agreement between the Rana rulers, the King, and Nepali Congress, which ushered in the first wave of democracy to Nepal. The Panchayat regime's survival was due to India withdrawing its support to the democratic parties, who were opposed to the King's authoritarian regime, after the Sino-India war in 1962. In 1990, India's economic blockade of Nepal, in response to its purchasing arms from China, bolstered support to the pro-democracy movement, ultimately leading to the reinstating of democracy (Khadka, 1997; Mihaly, 1965; Whelpton, 1997). Since 1990, India has been a major source of power, investing a great deal of financial and other resources, in building a pliant nation, which could be relied on for Indian security and trade interests, especially in the hydropower sector in Nepal (Adhikari, 2012).

It is through this prism, of India's ability to engineer political events in Nepal, that India's engagement with the Maoist conflict, and brokering of nascent steps to the peace process, needs to be seen. India's role in the conflict in Nepal has followed multiple, and often shifting, routes. During the civil war it provided moral and material support to the Maoists, with many senior Maoist leaders living in India. However, with the change in the global security environment, India quickly shifted to brand the Maoists as 'terrorists' in 2001, and supported the state to end the insurgency (Mishra, 2004). The shift in India's policy can be seen through India's use of counter-terrorism,

to push forward its bilateral collaboration with the US, which, along with the rest of the international community, also branded Nepal's Maoists as terrorists (Rasaratnam and Malagodi, 2012; Sasikumar, 2010). In dealing with the insurgency, until the 2005 coup, India's modus operandi had been to engender an understanding between the monarchy and the political parties, or the SPA, to overcome the Maoist threat (Saran, 2017). It was only in 2005, after the direct takeover of the King, that India revisited its twin pillar policy on Nepal: of supporting both constitutional monarchy and multiparty democracy (Saran, 2017). Post 2005, India facilitated rapprochement between the Maoists and the political parties, in turn rejecting the monarchy. The abandonment of its twin pillar policy, and its anger with the Royal regime, was aggravated by the King backing China's inclusion in the South Asian Association of Regional Cooperation (SAARC) as an observer, and his blocking Afghanistan's membership, an issue into which India had poured diplomatic capital (Jha, 2014). A warming of ties between the Maoists and India, was a further reason for the change of heart, including written assurances by the Maoists of not harming India's interests (Muni, 2012).

Two domestic factors also triggered the Indian policy of facilitating an alliance between the democratic parties and Maoists. Firstly, India supported the transition of the Maoists from a rebel to a political party, in the hope that it would be an example to be followed by Indian Maoists,, who were increasingly recognised as India's biggest 'internal threat' (Adhikari, 2012). Secondly, in 2004, the formation of the Indian National Congress led the United Progressive Alliance (UPA) government, which included the Communist Party of India (Marxist) (CPN-M), brought a momentum for change. The leader of CPN-M, Sitaram Yechury's, influence on its foreign policy thinking, helped India bring Maoists into the peace talks (Chaturvedy and Malone, 2012). This speaks to an increasing pluralisation in Indian foreign policy, where new actors, such as political parties, determine its patterns.

This pluralisation has made it difficult to detect a distinct Indian foreign policy on Nepal. India's policy decisions and actions are determined by many groups, including political parties, bureaucrats and RAW (Research and Analysis Wing), India's foreign intelligence agency. Religious pressure groups and trade campaigners also play their

part (Sharma, 2019). These actors often operate distinctly, making centralised foreign policy-making, and its implementation difficult. For instance, in 2005, during the King's takeover, some influential actors in Delhi, such as the Indian Army, the old princely rulers, the Hindu right, and sections of the security establishment, supported the royal coup (Jha, 2012); while other members of India's foreign policy establishment called for a policy change, to reprimand King Gyanendra for his violation of India's twin-pillar policy. Similarly, in the economic domain, under the Gujral Doctrine, while India offered preferential trade concessions to neighbouring countries like Nepal, imposing zero tariffs on certain goods, lobbying by Indian manufacturers led to a withdrawal of the policies (Roy and Khan, 2017)

Relationship with China

Unlike the multi-faceted relations with India, China's relationship with Nepal has been mainly premised on security vis-à-vis Tibet, which borders Nepal. China seeks to obtain Nepal's active cooperation, in support of its 'One-China' policy, by not letting Tibetan rebels and external powers use Nepali territory for anti-China activities (Khadka, 1999). Such concerns about possible extra-regional involvement against Tibet emanating from Nepal are not far-fetched. Throughout the 1960s, the US supported the Khampa rebellion, where Tibetan groups from their base, in the Northern borderland of Nepal, attacked Chinese forces. Such activities ended in 1974, when the US support was withdrawn, and the NA was mobilised to counter the movement (Bauer, 2004; Thapa and Sharma, 2010). Apart from the Tibet question, Sino-Indian relations have been an intervening variable in Nepal-China relations. India's position on Tibet, as well as concerns over India's alliance with one of the two superpowers to threaten China's frontiers, was a dominant concern, at least until the normalisation of relations between the two countries in 1976 (Khadka, 1999).

With the Himalayas forming a formidable border, transport, trade, and movement of people has been limited, thus inhibiting a more rooted bilateral relationship. However, in the minds of Nepali elites, China is critical in counter-balancing the dependence on India (Rose, 1973). This was more evident in the Panchayat years, when King

Mahendra sought to revisit the 'special relationship' with India, by seeking closer ties with China, especially after the border settlement in 1961 (Whelpton, 1997). The King took full advantage of the India-China war of 1962, 'winning new highways, bridges, and hydropower plants for his nation', despite Indian concerns (Dixit, 2013). Nepal's balancing act was bolstered by China's alleged inflaming of anti-India sentiments in Nepal, in the aftermath of India's absorption of Sikkim in 1974, until China's support waned after 1978, when moderates, like Deng Xiaoping, took over China's leadership (Ghoble, 1992; Khadka, 1999).

China's engagement in Nepal, however, has been largely state-to-state, with Beijing backing the monarchy. During the Maoist uprising, China was embarrassed by the use of the 'Mao' brand, in a movement it knew little about and whose principal ties were with India (Chaturvedy and Malone, 2012). When the rest of the international community, including India, agreed to support the alliance between the Maoists and the SPA, China continued to view the developments as 'business as usual', labelling it an 'internal affair of Nepal' (Thapliyal, 2006). The abolition of the monarchy post-2006 compelled China to rethink its Nepal policy. Throughout the duration of the peace process, China has sought to diversify its engagement at all levels, including different state agencies and political parties, in a bid to cultivate loyalties that could guarantee its security concerns (Adhikari, 2017). China's increased investment in Nepal has, in turn, led the Indian security calculus to focus on this growing engagement from Beijing (Chaturvedy and Malone, 2012).

Western Engagement: From Development Donors to Peacebuilders

Western states, have fitted neatly into the quest of Nepal's successive regimes, for a diversification of its foreign relations to balance dependence on India. Diversification began with cooperation on development aid from the US, with the strategic aim of countering communism through development and modernisation programmes, rather than through diplomatic avenues. US aid was followed by aid from the UK, Germany, Switzerland and the USSR (Sharma and Harper, 2018). Aid became the medium for Western influence and access to Nepal (Dixit, 1997). Beyond foreign aid, the

expansion of diplomatic missions in Kathmandu increased from 27 missions in 1960 to 50 in 1972, during the Panchayat period (Khadka, 1997).

Over the years, development aid has granted Nepal's development partners, largely Western states like the US, the UK and European states, a significant policy role, if not a directly political one, in shaping Nepal's future (Sharma and Harper, 2018). The pertinence of aid gave Nepali elites the dividends to consolidate their power. Inadvertently, the Western-funded development projects, the primary vehicle of legitimacy for the Panchayat regime, served to bolster the regime (Croes, 2006; Sharma and Harper, 2018). Further, the Kathmandu elite not only established themselves as brokers between donors and Nepali society, but influential businesses and bureaucrats also benefitted through foreign aid programmes (Dixit, 1997; Khadka, 1997). Involvement of western donor governments, and NGOs, was given new life after 1990 with a widening of democratic space. Reflecting the global surge of liberal internationalism, Western development agencies seamlessly shifted their focus to human rights, democracy, and civil society in the post-1990 period (Sharma and Harper, 2018). This was complemented by a proliferation of NGOs, with the number of INGOs, funded by bilateral and multilateral sources, increasing from 193 to 33,000 between 1990 and 2006 (Shah, 2008).

During the Maoist conflict, as the state retreated from large parts of the country, Western development partners continued to work, committing to Basic Operating Guidelines, which allowed them to impartially continue their operations (Donini and Sharma, 2014). Despite their established presence in Nepal, Western donors in Nepal, until the 2000s, refused to accept the political nature of the conflict as grounded on exclusion, or recognise that aid had become intrinsically tied to the Nepali state, facilitating the elite capture of foreign aid (Frieden, 2012). It was only post-2002 that the more aware and informed development agencies, recognised the Maoist conflict as an issue of social justice, rather than law and order (Interview with Indian Army General, 10 October 2018, New Delhi).

Shifting, diverse, and often conflicting strategies, by different Western countries, came to the fore during the conflict. The 9/11 attacks, and the 'war on terror', led countries, like the US to brand the Maoists as terrorists, and the wider international community, including the US, the UK, and India, to support the government to end the insurgency (Muni, 2012; Rasaratnam and Malagodi, 2012). This also led the western donors, initially, to mediate between the King and the political parties, in a bid to unify forces to negotiate with the Maoists (Pandey, 2011). In 2002, agencies, such as DFID, UNDP, and organisations like the Centre for Humanitarian Dialogue, began efforts to facilitate dialogue between the King's government and the Maoists (von Einsiede and Salih, 2017). Some development actors, like the World Bank, even deemed that the monarchy provided a more conducive environment for economic growth (Pandey, 2011). The 2005 coup, by the King, led the international community and India, to agree on and revisit their position, proclaiming the King's actions undemocratic, and suspending vital military assistance (Whitfield, 2012). Western donors stopped supporting the regime, and coerced the Royal Regime to accept the OHCHR's presence to monitor human rights, in addition to raising it as a crisis of human rights and democracy in various global forums (Frieden, 2012; Martin, 2012).

The presence of aid donors in Nepal, and their organisational networks in different areas of development, meant that Western states could transform swiftly from donors of development to 'peacebuilders', and build on their legacy of development work.

Conclusion

This chapter has outlined the history of Nepal's conflict, and the demands for inclusion, accountability for human rights violations, and some form of security sector reform it embedded. It has detailed the rise and fall of these ambitious agendas of inclusion, transitional justice, and SSR, which attempted to reform the political settlement in the face of elite backlash. The chapter also detailed the paradoxical role of elite pacts: the part it plays in pushing through horizontal forms of inclusion, while also inhibiting a broad-based vertical inclusion for all segments of the society. The chapter also attempted to shed light on the broad contours of international engagement

in the peace process, noting the centrality of India but also the preserved space for peacebuilders, leading to a co-existence of these plural forms of international engagement. Further, this chapter has called for an acknowledgement of the historic and geographic determinants of international engagement, thereby addressing Selby's call for paying greater attention to the 'states, strategy, geopolitics' of peacemaking (Selby, 2013).

Chapter 4: International Engagement in Peacebuilding: Dynamics and Impact on Political Settlements in Nepal

Building on the contextual insights from Chapter 3, the thesis now turns to look at the three research questions, empirically, in relation to the case of Nepal. This chapter's first section seeks to explore India's role in the peace process, focusing particularly on inclusion, SSR, and transitional justice. The second section looks at the interaction, and assesses the impact, of Indian engagement on liberal peacebuilding. The final section outlines how these plural forms of international engagement have influenced the political settlements in Nepal.

India and China in the Peacebuilding Arena

While both India and China have influenced the peace process in Nepal, directly and indirectly, this chapter focuses largely on India. This is largely due to its dominant role in the process, but also given the availability of data that could be gleaned, from documents and elite interviews.

India's Role in Empowering the Federal Agenda

India was generally ambivalent about normative ideas of inclusion, though its wider engagement in the political process impacted the debates on federalism and secularism (Interviews, August- September, 2017, Kathmandu). Within India's engagement on federalism, its role is associated with facilitating the rise of Madeshi parties in Southern Nepal, primary proponents of the federal agenda in Nepal. However, its involvement, on the issue of the Terai, the Southern plains adjoining India, predates the peace process. India was only concerned about the Maoist conflict, once the

violence spilled over from the hill to the Terai region. This became more critical, with the establishment of the Madheshi Front of the Maoist Party, who, like the Maoists, saw India as the enemy (Sharma, 2019). The promulgation of the Interim Constitution, following the CPA, and the resulting violence unleashed by the Madhesh movement, made the fallout even more threatening. This coincided with the deterioration of relations between the Maoists and India, a process which had started off well during the 12-point agreement, but had worsened after the rise of the identity movements.

India's anti-Maoist stance post-CPA, emanated from the Maoist government cultivating Chinese politicians and diplomats, and lobbying for freedom of movement along the Northern border, as well as their calls for abrogation of the 1950 Treaty with India (Chaturvedy and Malone, 2012; Jha, 2014). The Maoists, in turn, saw the Madheshi movement, as having been orchestrated by India, to divide the strength of their movement in the Southern plains (Sharma, 2019). With an open border, cross-border kinship links, concerns about violence advancing across the border, collusion between the Maoists and Indian Naxals across the open border, and possible Chinese engagement across the border, Indian interests in the developments in the Terai were increasingly tied to its security interests (International Crisis Group, 2007).

Consequently, in the peace process, India sought to influence, control, and use the Madhesh movement, and the political parties associated with it. It encouraged numbers of Madheshi leaders to quit such established political parties as the NC, the UML, or the Maoists, and form new Madheshi political parties, which India then funded during the elections (Jha, 2014). All of this helped them emerge as a credible political force, as well as bolstering their campaign for federalism. India also provided moral support, by mediating between Madheshi leaders and traditional political forces. India also legitimised Madheshi demands, by advising, cautioning, and even threatening traditional parties, and frequently lobbying for acknowledgement of the Madheshi demand for inclusion. This was witnessed in India's warning Nepal's political elites, during the 2015 Constitution writing process, to take 'disgruntled' Madheshi factions on board (Interview with scholar- diplomat, 2 October 2018, New Delhi). The Indian Prime Minister, Narendra Modi, lobbied for the Nepali Constitution to be one that

unites, and, ‘be one in which all sections of Nepali society feel that it is a bouquet where one flower represents them’ (Ministry of External Affairs, India, 2014). Similarly, in a rather unprecedented manner, after the 2015 promulgation of the Constitution, India raised the issue of ethnic discrimination and violence in Nepal, at the UN Human Rights Council in November of that year, in Geneva (Hindustan Times, 2015). In its most sinister form, the Indian drive for inclusion came in the form of support to the Madheshi forces blockading the Indo-Nepal border, on the grounds that federal boundaries, delineated by the Constitution, were gerrymandered, in the aftermath of the declaration of the Constitution in 2015. India’s support of an economic blockade, severely constricting, and damaging, the landlocked economy of Nepal, just as it was reeling from the humanitarian impact of the 2015 Earthquake, was seen as a tool to penalise Nepali elites, for having overlooked India’s demands.

Domestic electoral calculations, in the elections in Bihar, an Indian state bordering Nepal, were further drivers for India’s support of Madheshis. With kin groups spread across Bihar, any violence in Nepal, and concern over India’s position on Madheshi rights in Nepal, was seen to affect the Bharatiya Janata Party’s (BJP) victory prospects in Bihar, thus allowing the BJP-led government to maintain a stringent approach (Ganguly and Miliate, 2015). With multiple issues at stake, India’s Foreign Secretary, Jaishankar, who had made urgent visit to Kathmandu, prior to the promulgation, counselled the political parties against the new Constitutional declaration, and made it clear that: ‘India would not support the new Constitution…and support from the rest of the world would have no meaning’ (Sharma, 2019. Pg. 411). Consequently, India, only ‘noted’, and did not welcome, the Constitution, given its exclusionary provisions, while countries like China, the US, and blocs, like the EU, welcomed it, albeit identifying a few deficiencies. Indian support for the blockade pressurised the elites to agree on amending the Constitution, granting greater guarantees to the Madheshis.

Deploying moral, and material, incentives, to drive through inclusion, did bear dividends, as evidenced by the rise of Madheshi political parties, as well as by Nepal’s transition to federalism. However, while these actions advanced the momentum for inclusion, other aspects of Indian engagement inhibited it. After the Madheshi

movement, some Madheshi parties, such as the Madheshi Janadhikar Forum, became too strong for India to manage, and often opposed Indian demands. India' response was to divide the party, and form alternative Madheshi forces: the Tarai-Madhesh Loktantrik Party (TMLP). This was seen as an an attempt to divide Madheshi mobilisation in order to control it more easily (Adhikari, 2017). India also used Madheshi groups to exert control on the government in Kathmandu, so India could pursue its own interests. For instance, when Constituent Assembly (CA) elections were repeatedly postponed in 2007, India supported a new Madheshi front, with the hope that it would pressurise the Kathmandu politicians to either announce election dates or face greater loss in the Tarai (Jha, 2007a). Perhaps the clearest instance of India's propensity to use the Madheshi forces as 'currencies', to promote its interests, came in 2008, during a clash between the Maoists and the NA (Singh, 2011). To ensure that the NA emerged victorious in this dispute, India pressurised those Madheshi parties, who were members of the coalition with the Maoists, to withdraw their support, and join another anti-Maoist coalition, formed of traditional conservative parties. This led Madheshi parties to join hands with traditional Nepali parties, such as the NC and the UML, who were not committed to their agenda on inclusion, thereby dampening the momentum for inclusion, created by the Madheshi-Maoist alliance after the CA elections in 2008.

The entrenched nature of Indian engagement on the Madheshi issue firstly undermined, and eroded, the legitimacy and the agendas of Madheshi parties (Singh, 2011). The Indian tendency, to compel Madheshi parties to back Indian priorities in Nepal, in return for their support, weakened the legitimacy of Madheshi forces. It also led the entire 'inclusion' agenda to be condemned and ridiculed as 'India's doing', creating fertile grounds for a backlash from the elites, who viewed this through the prism of Nepali nationalism. It was commonplace to attribute the Madheshi movement as perpetrated by India. For instance, after the Madhesh movement, the former prime minister G.P. Koirala, hinting at India's role in the Terai crisis, stated: 'The ongoing Madhesh crisis can be solved within a minute if Nepal and India jointly work together for it.' (Nayak, 2011).. While all political parties have, at some point, benefitted from Indian support, the support to Madhesh-based parties has fuelled the elite narrative of

Madheshis being ‘India’s proxies’, and further bolstered the trend in Nepal, to look at the issue of Madhesh through the prism of bilateral relations with India, exacerbating the deep-seated discrimination against Madheshis (Interview with Member of Parliament, 14 August 2017, Kathmandu).

India’s wariness of any international presence in Madhesh, also meant that international bodies, integral to the peace process, such as UNMIN, could not have an on-ground presence, and engage with the identity movements across the Southern plains (Jha, 2014; Sharma, 2019). In fact, India’s aversion to UN agencies, including UNMIN, working in, or having an organisational presence in the Terai borderlands, became a point of tension with India, and one of the reasons for UNMIN’s untimely exit from Nepal. India’s suspicion of UN in general, also meant that OHCHR’s term extension was agreed only after it agreed to close its office in the Terai (Interview with Editor- in-Chief, 7 August 2017, Kathmandu).

India’s role in the Madhesh movement also became a source of discontent in the bilateral relations, between Nepal and India, and was controversial even within some Madheshi parties. Thus, while some mainstream parties blamed India for instigating the Madhesh movement, some Madhesh-based parties have, in turn, blamed India for using them as a ‘bargaining chip’, with which to discipline the Kathmandu-centric political establishment (Interview with activist, 12 August 2017, Kathmandu). Some Madheshi leaders have also viewed any Indian involvement, as a conspiracy of the Nepal government against Madheshis (Miklian, 2009).

This paradoxical form of Indian support, where it has both supported and constrained the Madheshi movement for inclusion, can be attributed to the fact that Indian engagement did not emanate out of any consideration for the exclusion of Madheshi people. Rather, it stemmed from concerns over stability, maintaining influence, and outbidding other external actors in Nepal. The stability-centred lens meant that the support to Madheshi parties was geared towards weakening the Maoist party, rather than promoting inclusion, after the steady deterioration of relations between India and the Maoists (Jha, 2014). Indian sources did acknowledge that, ‘India understands that

we have no business in the constitutional process in Nepal but having a surly disenchanted population right at our borders is a security concern' (Interview with diplomat, 7 October 2018, New Delhi).

India's role in the Madhesh movement needs to be seen from the context of a pragmatic Indian foreign policy, which has sought to match its engagement in line with the shifting political developments in Nepal, and at home. Questions of stability further led it to micro-manage events in the Madhesh, in ways that favoured Indian interests rather than focused on 'inclusion'.

Indian Engagement on Secularism

Outside the parameters of federalism, India's stance on secularism also proved significant. Nepali groups, opposing Nepal's transition to secularism, and who had called for the restoration of Nepal as a Hindu state, found allies across the border. India's interest in secularism in Nepal stems from its being a Hindu majority state and, until 2006, the only 'Hindu' state, the seat of some sacred Hindu sites, as well as a dense network of religious organisations, such as the World Hindu Federation, across both countries. Thus, secularism in Nepal has been a matter of domestic debate in India (Interview with Professor specialising on South Asia, October 13, 2018, New Delhi). Right-wing Hindu groups in India have advocated for the preservation of 'pure' Hinduism, free from Muslim or Christian influence or infiltration: an argument bolstering the stance of the CHHE in Nepal (International Crisis Group, 2007).

On the debate on secularism in Nepal, the footprint of the BJP and its absolute parliamentary majority in India since 2014 is a critical juncture. Until 2014, secular parties such as the Indian Congress being at the Centre, supported by Leftist partners who had vehemently supported the transformative agenda of the Maoists, ensured that religion in Nepal was not an overwhelming issue in Indian foreign policy calculus. The rise of the BJP, and the weakening of Indian National Congress, has meant that anti-secular elements in Nepal have received both moral, and material, support from India (Interview with former Nepali Ambassador to India, 31 August 2017 (a),

Kathmandu). More critical has been the election of powerful religious leaders, namely Yogi Adityanath, as Chief Minister of Uttar Pradesh, an Indian state bordering Nepal. As the head of the powerful temple of Gorakhnath, notably the patron deity of the Shah dynasty in Nepal, Adityanath is closely associated with the monarchy, and has publicly spoken in favour of 'Hindutva' and monarchy in Nepal (Nepali Times, 2017). The work of organisations, such as the Rashtriya Swayamsevak Sangh (RSS) a volunteer paramilitary organisation, and the parent organisation of the BJP, with its fiercely Hindu nationalist agenda, is said to have increased in Nepal (Interviews, August 2017, Kathmandu; October 2018, New Delhi). Sections of the Rastriya Pajatantra Party, the only party lobbying for Nepal to return to a Hindu state, is openly sympathetic to the BJP's ideology (Roy and Khan, 2017). Elements of the ruling BJP have also pressurised Nepali leaders to renounce secularism (Muni, 2015b). Prominent BJP leaders, such as Rajnath Singh, and Ram Madhav, have repeatedly advised their Nepali counterparts that Nepal should revert to a 'Hindu state' (Karat, 2015). Further some Nepali leaders, for instance the Chairman of the NC, are said to have assured Indian authorities that they would remove the word 'secular' from the Constitution (Ghimire, 2018).

Diplomats, interviewed in India, clarified that, the Government in India had no reservations about Nepal's transition to secularism, but noted 'elements' within India, including the ruling party wanted to preserve Nepal's Hindu identity (Interview with Diplomat, 7 October, 2018, New Delhi). The debate on secularism also confirms to the increasing pluralisation of foreign policy actors in India, where political parties, provinces and multiple entities are making their mark on foreign policy issues. In fact, so crucial was the element of secularism, that some senior Nepali politicians have noted that the mention of 'secularism' in the 2015 Constitution, thereby breaching private assurances given to Indian authorities, was one of the factors leading to India's support of the economic blockade of that year (Baral, 2019).

In trying to balance India's preservation of a Hindu state, and the bottom-up campaigns for secularism, by Janajati groups as well peacebuilders, the Constitution of 2015 adopts a hybrid outlook on secularism. This hybrid form pacifies both fronts, but

continues to assure the dominance of Hindus. The Constitution, while identifying Nepal as secular, defines secularism conservatively, as 'religious and cultural freedom' and 'protection of religion and culture being practised since ancient times'- which in Nepal privileges Hinduism. Further, religious freedom is made conditional by a clause: '..no person shall… convert a person of one religion to another religion ….' (PAX, Bell et al., 2017). The Constitution also continues to use Hindu cultural symbols as national emblems: a Hindu symbol in its flag; crimson, which is the colour of victory in Hindu culture; and finally the Sanskrit language is used in the coat of arms (OHCHR, 2018). Moreover, the cow, regarded sacred in Hinduism, is cited as being Nepal's national animal and its slaughter is deemed illegal.

The paradoxical stance of India, in its campaign for the inclusion of Madheshis, but its renunciation of secularism, notably impacted upon the momentum for inclusion. Firstly, it prevented the formation of a broad-based vertical inclusion that would have widened the contract between the state and all members of society. This version of 'inclusion' failed to acknowledge the multiple layers of exclusion in Nepal, which is based not only on ethnicity but also on religion, with the two overlapping only to a degree. Secondly, in paying lip-service to 'inclusion', while only supporting Madhesh-based entities, and lobbying exclusively on Madheshi grievances, and not of other groups like janajatis, it ensured that even in this its support for inclusion was parochial, subject to Indian anxieties on security, rather than the norm of inclusion. This is at variance with India's own quest to embody the diversity of the plural-national state in its institutional design (Swenden, 2018). Further, by supporting and condemning, Madhesh-based forces, at different times, India has demonstrated that liberal norms of equality, democracy, and justice, that foreground the very idea of democracy, are very low-ranking Indian priorities in the region.

China's Engagement on Inclusion

In the context of 'inclusion' debate, different events have led China to engage indirectly in the debate, advocating against federalism, the lynchpin of Nepal's quest for inclusion. The international coverage of the Free Tibet protests in Nepal in 2008,

on the heels of the Beijing Olympic games, compelled China to be concerned about the Nepali government's ability to address its security concerns. China not only attributed anti-China activities to such foreign forces as the US and India (News Front, 2008), but also called for all expeditions to Mount Everest and other peaks to be suspended, to curb possible unrest (Ghimire, 2008).

In addition, China has seen the attempt to establish a Madhesh province, that could be controlled by Delhi, as part of a New Delhi strategy against China (Sharma, 2019). The meeting of six members of the CA, who were Madheshi party representatives, with the Dalai Lama in Dharamshala, India, the headquarters of the Tibetan cabinet in exile, had offended the Chinese, not least for their remarks linking the Madheshi quest for autonomy to Tibetan independence (Sharma, 2019). The Chinese Ambassador in Nepal, in 2009, called upon the Nepali government, to clarify its position on this meeting (Roy, 2009).

With multiple events in Nepal, now linking Tibetan security to political developments in Nepal, China denounced federalism, and identity-based federalism in particular (Shakya, 2014). China cautioned the Maoist Supremo, Prachanda, to rethink patterns of centre-state relations in a federal system, and factor in the possible disintegration, and chaos, federalism could herald (Ghimire, 2013). Beijing is said to have lobbied for having fewer provinces across its border in Northern Nepal, concerned that newly-formed provinces in Nepal would not be able to curb instability in border areas (Bhattarai, 2014). China, thus, is seen to want a unitary state, or least a state that is only administratively and not ethnically federal, viewing a unitary Nepal as one that would serve its security interests better (Interview with Political Analyst, 20 August 2017, Kathmandu). Scholars attribute China's welcoming of the disputed Constitution of 2015, to the modification and dilution of identity aspects of federalism. For China was satisfied that its concerns, to avoid an identity-based federal structure, had been addressed (Muni, 2015c).

Locating Indian and Chinese engagement on SSR

In the DDR process, India was interested in supervising the process of cantoning the Maoist combatants. However, both the Maoists, as well as the Prime Minister of the interim government formed in 2007, believed that it would be better to involve UNMIN instead (Sharma, 2019). Any Indian leadership in the process would have made it more controversial, and in fact de-legitimised it, given the history of India's intrusion into Nepali politics (Interview with political commentator, 4 August, 2017, 2017, Kathmandu). India's role was limited, in contrast to that of the peacebuilders, who were invested in the design of the DDR/ SSR process, involving technical experts from other countries for comparative learning, and advising the government on the best forms of DDR. Meanwhile India provided the 'hardware' that underwrote the process: tents for the cantonments; and containers for the storage of Maoist weapons. Former Nepali soldiers from the Indian Gorkha regiments, supervised the process (Sharma, 2019)

Regional actors, such as India and China, have not taken part in debates on security sector reform, but their direct engagement with the security sector, specifically the NA, has been the most critical determinant of the negotiations. India's concerns about SSR were centred principally on protecting the inviolability of the NA, rather than being about reforming the security sector, or the rehabilitation of the former People's Liberation Army Maoist (PLA/ Maoist) combatants. Issues such as the open border, and the fraternal bonds between the Indian Army and the NA, combined with growing traditional, and non-traditional, security threats across the border, led India to invest in Nepal's security sector in general, and the NA in particular. India's security concerns led to enhanced defence cooperation, weapons supply, and training for the NA, making security cooperation the most integral component of state-state relations between the two countries (Jha, 2014). India has provided the NA with a form of political patronage by selling arms at concessional rates, offering training, and being the largest contributor of international assistance (Ghimire, 2018). Enhanced security cooperation is exemplified by assistance during disasters, periodic joint military exercises, training courses and high-level bilateral visits of military personnel (Ministry of External Affairs, India, 2018a). Indian security concerns intensified after

2006, with India seeing the NA as the only state institution to remain intact, with all other institutions dismantled or delegitimised (Jha, 2014). Further, with the rise of Maoist power, especially with their electoral win in 2008, India also saw the NA as the only force that could curb Maoist expansionism (Adhikari, 2012).

India's concern over perceived Maoist misconduct grew after this dispute between the Maoists and the Army. India, on this occasion, lent its total support to the NA (Bidwai, 2009), engineering a 20-party coalition against the Maoists in 2008, leading to the collapse of the Maoist government. India also succeeded in persuading the President to revoke the government order for the NA Chief's dismissal, thereby ensuring he remained in post (Adhikari, 2014; Jha, 2014). The criticality of the NA in the narrative, is proven by the fact that the NA-Maoist dispute produced a rare moment of policy convergence, across Indian agencies working in Nepal, when all major Indian institutions, such as the Ministry of External Affairs, the Ministry of Defence , the Indian Army, and the political leadership, decided that they had to save the NA (Navlakha, 2009).

Similar to India, China's engagement has largely focused on strengthening the security agencies. The expanding matrix of the military cooperation has included, training, equipment supply, joint exercises, scholarships for Nepali military personnel in Chinese military universities, and high-profile visits (Bogati and Strasheim, 2019; Solanki, 2018). Other than the NA, China has also invested in infrastructural support, by building the Academy of the Nepal Armed Police Force. Instituted in 2001, to combat Maoist insurgents, the Armed Police Force is deployed along the Northern and Southern borders of Nepal. Its presence is said to have controlled the flow of Tibetans to Nepal, and their activities in Nepal (Sharma, 2009).

The crucial part played by regional actors, like India and China, in the SSR debate, distinguishes Nepal's experience from that of others. In Nepal it is not only peacebuilders and local political groups, who determine the trajectory of the process. Instead outcomes are determined by tripartite negotiations: between national elites, regional powers and peacebuilders (Ghimire, 2017). Here, the focus of Indian, and in

part Chinese, engagement, has been on strengthening the NA, with a subsequent impact upon the SSR debate, and in at least five ways. Firstly, by placing the onus of Nepali security, and their own, on the NA, and ensuring extraordinary levels of moral and material support to strengthen it, India has strengthened the position of the NA vis-à-vis its civilian counterparts. This exacerbates the imbalance in Nepal's civil-military relations, diluting discussions on any 'democratisation' of the Army, a critical SSR-related component, enshrined in the CPA. This has left its mark, as regards wider civil-military relations. The NA has indirectly exerted pressure on political actors, calling for non-interference in its functioning, through debates like 'democratisation' (Upreti and Vanhoutte, 2009).

Secondly, the strengthening of the NA has also threatened to weaken the DDR component, especially as regards the integration of combatants into the NA. India's view of the NA, as the ultimate bulwark to its security, had caused it to believe that no action should be taken, which could undermine that institution's cohesion and morale (Adhikari, 2012). This view is corroborated by a former Indian Army Chief, who argued that any integration of PLA ex-combatants into the Army would dilute its professional credentials, and compromise its institutional integrity (Jha, 2014). Such views reinforced the NA's reservations about the integration of former PLA soldiers, and not only impacted elite bargains on the issue, but also prolonged the process.

Thirdly, the NA and India were equally sceptical of UNMIN, the NA being especially annoyed by UNMIN's reminders of the CPA's commitment to the NA's democratisation (Martin, 2012). In addition to its support for the NA, in its stance against UNMIN, India also mobilised all non-Maoist political parties to join the anti-UNMIN cause. These were factions with long-harboured deep resentments against UNMIN, for a perceived bias towards the Maoists (Adhikari, 2012). India persuaded the US, and the UK, to lobby for UNMIN's closure (The Economist, 2011). This was perceived as an endorsement of the NA, and its chief of staff, who was alleged to be lobbying with political parties for UNMIN's exit (International Crisis Group, 2011b). The campaign against UNMIN led India to view it as ineffective, but also as having the potential to jeopardise the process. This assessment was shared by an Indian

diplomat who noted, 'From 2007-2013, when UNMIN was present, cantonments weren't disbanding, leading the Maoists to further line their pockets, and delay the political transition. The fulfilment of the Agreement on Monitoring of Arms and Armies (AMAA) was UN's responsibility and it was not effective. Groups of soldiers came out of cantonment with weapons, and lawlessness and violence increased under UNMIN's watch. UNMIN also did nothing when videotapes of Maoist leader, Prachanda, came out, asserting he had inflated numbers of cadres to UNMIN. All this further delayed the socialisation of the Maoists to democratic functioning' (Interview, 14 October 2018, New Delhi).

Fourthly, the availability of regional actors, not only made institutions like the NA less dependent on civilian institutions, but also reduced any reliance on traditional Western donors and peacebuilders, decreasing the latter's leverage on the security forces (Bogati and Strasheim, 2019). The substantial involvement of countries, such as India, in the political process, also meant that regional powers could use political leverage, to subdue SSR to suit their interests, which often undercut the efforts of the peacebuilders, like UNMIN.

Finally, Nepali elites were disincentivised from cultivating a comprehensive SSR, due to the ambivalence of regional powers on any debates of SSR- DDR, and their focus on strengthening state institutions. This inhibited the spirit of the CPA, and its commitment to ensuring civilian supremacy, and making the NA accountable. The cumulative effect of this regional ambivalence, along with factors like the absence of elite commitment, and the untimely exit of UNMIN, ensured that, apart from delivering on AMAA, the commitment to transform the governance of the security sector has not materialised (Sharma, 2017).

Indian and Chinese Response to Transitional Justice

Contrasting with that of peacebuilders, regional engagement on transitional justice needs to be located, not only by its direct engagement on the debate, but also through the indirect consequences of its engagement outside the confines of the debate. On

their direct role, ‘disengagement’, rather than engagement, would be the appropriate parlance. The only time India engaged on a discussion on transitional justice, was at the universal periodic review at the Human Rights Council in Geneva in 2015, when it recommended: ‘ensuring effective functioning of Truth and Reconciliation Commission and full implementation of its recommendations, including prosecution of those responsible for violent insurgency’, and ‘ensure the independence and financial autonomy of the National Human Rights Commission’(Ministry of External Affairs, India, 2015a). Nepali actors, however, read this as an Indian ploy, to pressurise the Maoists to leave the UML led coalition, perceived as anti-Indian, rather than driven by concerns for victims (Interview with human rights activist, 18 August 2017 (b), Kathmandu). A prominent paper in India read ‘with a more India-friendly government in place in Kathmandu, India is also unlikely to again raise the issue of war crimes at international forums’ (Baral, 2016). No such direct statements, and engagement have been available through Chinese sources.

There are, however, significant indirect implications. By supporting security institutions, like the NA, and arming and abetting them, despite their dismal record on transitional justice, India has conveyed to the security forces that they will be supported, regardless of their actions. It also allows for the NA to limit the call by peacebuilders, on issues of accountability. However, this absolute disengagement from the debate also signals that regional powers speak a different vernacular of peace, which does not include transitional justice. In interviews in India, top Indian diplomats expressed the undesirability, as well as the infeasibility, of implementing such prescriptive norms as transitional justice. A diplomat stated: ‘We are hesitant at getting drawn into these prescriptive Western imports. UN and Western groups talk of transitional justice with examples from South Africa in mind. But South African model had Nelson Mandela who singularly was able to stop communal riot. But, Nepal does not have leaders of that stature’ (Interview, 14 October 2018, New Delhi). Yet another diplomat, said, we have, ‘Little patience with text book ethos, like transitional justice’ (Interview, 8 October 2018, New Delhi). Another diplomat-scholar, labelled transitional justice as: ‘European nonsense, which has been reduced to a political tool to penalise the opponent’ (Interview, 2 October 2018, New Delhi). There was a belief

in these conversations, that compensating victims is important, but in its punitive legal form, it cannot be applied in contexts like Nepal (Interviews, October 2018, New Delhi).

Yet another indirect impact has been the consolidation of the left coalition in Nepal. The Left Alliance, which won the 2017 elections in Nepal, includes Maoists and the UML. The alliance is generally seen as endorsed by China (Bell, 2017). This marriage of convenience was premised on UML guaranteeing to the Maoists that they will not be prosecuted for transitional justice, if they support the UML-led coalition. Thus Chinese support for the Left has facilitated the process for the UML, the only party not directly implicated in the transitional justice debate, to use it merely as a bargaining chip (Baral, 2016). This has, albeit indirectly, squandered the little gains made by the victim groups, in their call for addressing of the legacy of violence during the war.

Interaction with Liberal Peacebuilding Projects: Differences in Modalities of Support

In looking at how Indian engagement has interacted with key liberal peacebuilding projects, we find differences in the modalities, which have not only led these plural approaches to diverge, but also fostered limited avenues of cooperation.

Normative versus Norm-free

A core difference in modality is the usage of norms in their articulation by peacebuilders, in direct contrast with the value- free approach of emergent powers. For India and China did not see such an issue as human rights, ‘as a topic worth discussing’, while the liberal peacebuilders collectively raised their voices on issues of transitional justice and inclusion (Rawski and Sharma, 2012). While India did use the norm of inclusion strategically to promote its own agenda, on the occasions it was deployed, it was a generally inconsistent and selective exercise. The ambivalence on human rights was reflected in the views of some Indian policymakers, who ridiculed

the concepts as ‘half baked’, unrealistic, and infeasible (Interviews, October 2018, New Delhi).

The normative approach also led peacebuilders to persuade Nepali elites to insert normative commitments, on issues like transitional justice and SSR, in the CPA. They encouraged a commitment to the formation of institutions, such as Local Peace Committees, in addition to the Commission on Disappearances, and the TRC about which there was little knowledge or support domestically (Farasat and Hayner, 2009) (Selim, 2018). Peacebuilders also supported civil society organisations, to lobby for the government’s commitment to international legal frameworks, which mirrored these norms. Since the start of the peace process, Nepal has committed to a raft of conventions and resolutions, including the UN Convention on the Rights of Persons with Disabilities, signed in 2010; the National Action Plan on United Nations Security Council Resolutions 1325 and 1820; as well as the International Labour Organisation (ILO) Convention No. 169 on Indigenous and Tribal Peoples (Interview with former minister, 4 September, 2017). These legal instruments have in turn been the source of ethical principles, and a stimulus for political mobilisation for movements, such as that of Janajatis in Nepal (Tamang, 2010).

The normative disposition of peacebuilders was also evident, in their legitimising and endorsing of policies, based on their commitment to such liberal values as inclusion. For instance, the European Union’s Election Observation Mission’s report, released in 2018, proposed the removal of the 31% reservation in the proportional representation category for the dominant CHHE group, which they believed was contrary to the spirit of inclusion (EU- Election Observation Mission, 2018). Similarly, in writing about religious rights, a former British ambassador, called upon CA members to ensure the right of people to convert (Pagnamenta, 2014). This legitimisation was more prominent in the case of transitional justice, where peacebuilders scrutinised, and later delegitimised, different versions of the TRC Act. Peacebuilders, mostly working on human rights, have pointed to several deficiencies in the TRC Act, including the provision of amnesty, and called upon the government to criminalise enforced disappearances, torture, and war crimes, and ensure that the TRC Act complies with

international laws (Amnesty International, 2007; UNOHCHR, 2014). So insistent was the normative commitment, that when the Nepali government took no legislative or administrative action, to make the transitional justice mechanism compliant with international law, the UN declared it was unable to support these institutions, leaving the Nepali state to bear the expenses (UNOHCHR, 2016).

Further, to create space for norms to translate into concrete policies, in agendas like inclusion, peacebuilders framed the entire narrative on inclusion, by defining who was included and excluded (Interview with civil society representative, 16 August 2017, Kathmandu). While this categorisation complemented the movements in Nepal to a large extent, there were salient omissions. An influential report, Unequal Citizens, sourced by the World Bank, with the Department for International Development (DFID)'s support, identified the categories of exclusion as: gender, caste, ethnicity, language, religion and region. Throughout the peace process, such categories were reinforced, often being adopted into Government policy areas (Interview with civil society representative, 16 August 2017, Kathmandu). This categorisation focused on horizontal inequalities, but neglected other excluded groups like the poor, and landless, thus rendering everyday socio-economic issues peripheral to the peace process.

Despite the uneven commitment of peacebuilders to these norms, which waned as the peace process dragged on, its articulation and framing was founded on liberal norms and values. Nepal's case thus goes against the grain of recent assessments by scholars, who argue that peacebuilders have tended to relinquish liberal norms, and embody a 'norm-free' approach (De Coning, 2018).

Formal Policy Processes versus Informal Political Pacts

Another salient dividing line, between Indian engagement and the peacebuilders, was the dominance of the former in the informal political process, while the latter prevailed in the formal policy domains of the peace process. Accordingly, Indian engagement has focused on the political process, engineering the rise and fall of political coalitions, which relied on elite pacts between different political parties, while the peacebuilders'

engagement was centred on the peace process, and on the CA and the Constitution writing process.

With their focus fixed on the CA as the main avenue for the peace process, peacebuilders supported different committees within the CA, providing technical assistance in the drafting of articles, and expert guidance on the preparation of Committee reports, in addition to supporting cross-party caucuses of such marginalised groups in the CA as the Dalit, Women and Janajatis (International IDEA, 2015). The support to the caucuses, through capacity building workshops and seminars, to help raise their awareness on such thematic issues as electoral design, federal design, and gender-friendly policies, is seen to have indeed elevated the understanding of CA members from marginalised groups (Tamang, 2011). Alongside support for the CA, peacebuilders have lent their assistance to government agencies, to deliver the CPA's agendas. These agencies include: the National Planning Commission, the Public Service Commission, the Election Commission, and the Ministry of Peace and Reconstruction. For instance, the Enabling State Programme, a key peacebuilding project on inclusion, worked with the National Planning Commission to disaggregate poverty data, based on gender, caste and ethnicity, in order to help planning processes become more inclusive (Enabling State Programme, 2013).

India, on the other hand, was devoting itself to informal political deal making, which saw the rise and fall of several coalitions. It was behind the fall of the Maoist government, in the aftermath of the Maoist dispute with the Army Chief in 2009 (Jha, 2014). India was again active in engineering a coalition led by Madhav Kumar Nepal. It invested resources into controlling those governments it considered detrimental to its interests, while promoting those it perceived as tractable (Adhikari, 2014). While China was not as entrenched, or invested, as India, in 2010 a tape of a conversation between a Chinese contact and a senior Maoist leader emerged. In it the Maoist leader is heard asking for 500 million rupees to bribe Parliamentarians to form a Maoist-led government, leading Nepalis to conclude that the China was supporting the Maoist government (Sharma, 2019). In summary, India, and latterly even China, have been

politically motivated, serving as game-changers in regime formation. The involvement of regional powers generates an immediate impact, due to their macro level and direct political engagement, whereas the social engineering of peacebuilders takes much longer.

Diverse Engagement versus Macro Political Engagement

Relatedly, another notable point of contrast was that, while Indian engagement was limited to key political negotiations, including the 12-point agreement, the peacebuilders' approach was much more diversified. In terms of their approach to the peace process, the engagement of India and China was detached from the content and commitment of the CPA, leaving peacebuilders to lead on the 'everyday' aspect of delivering on the peace process (Interview with Editor-in-Chief, 10 August 2017, Kathmandu).

The peacebuilders' approach ranged from diplomatic engagement with political stakeholders, to mediation and facilitation, in addition to programmes on core peacebuilding issues, such as the management of arms and armies, and electoral reform. For instance, on DDR, peacebuilders supported the registration and verification of former combatants, and promoted rehabilitation efforts through provisions of vocational skill training opportunities, implemented by UNDP, under UNMIN's direction (Crozier and Watson, 2009). They also invested in the physical reconstruction of police stations destroyed in the conflict (Interview with former minister, 4 September, 2017, Kathmandu).

The diversity of modality was matched by the diversity of actors involved. There was a wide variety as to how peacebuilder's support was channelled: via multilateral bodies like the UN; through several of their own bilateral aid agencies, namely USAID, DFID, NORAD (Norwegian Agency for Development Cooperation); and through civil society groups, INGOs, and NGOs; in addition to governmental channels, notably the Ministry of Peace and Reconstruction, as well as the Election Commission of Nepal. Different issues received different levels of support, sometimes warranting a multi-

layered approach. For example, on the issue of SSR, peacebuilders sought to invest at multiple levels, including: the commissioning of research and papers on SSR; projects on community policing and rule of law; technical assistance to revamp the Nepal Police in a federalised Nepal; the drafting of security-related provisions of the constitution; as well as the formation of an informal donor working group on SSR (Crozier and Watson, 2009; Upreti and Vanhoutte, 2009). Such endeavours were geared to enhance the accountability and responsiveness of the security sector.

In comparable fashion, building on the legacy of their work on human rights monitoring during the conflict-era, peacebuilders informed the policy-making, delivery, and monitoring, on the issue of transitional justice. They also supported national bodies, such as the National Human Rights Commission, on forensic investigations, and supported investigation teams on disappearances, in addition to providing financial support on interim relief packages (Dixit, 2014). The interim relief programme was administered by the government's Ministry of Peace and Reconstruction (Rausch, 2017).

This diversified portfolio differs from Indian engagement, characterised by its lack of commitment to supporting the implementation of the CPA. One exception has been India's support in the 2008 elections, where India trained Nepalese election observers, provided computers, voting machines, and vehicles to the government of Nepal (Destradi, 2010b). Based on its own experience, India provided technical assistance for such issues as determining distances from the electoral booth to the electorate, and the mobility of voters (Interview with diplomat, 14 October, New Delhi). This narrow focus of India, limited to forging elite pacts, rather than offering more extensive support to the peace process, is in stark contrast to its contribution outside the peace process. For beyond the limits of the peace process, India's engagement is multi-layered across sectors, and multi-levelled across different segments of Nepali society.

Broad-base, Civil Society Oriented versus Political Elite Approach

Given differences in the modus operandi of their engagement, India and China have focused on the narrow elite base of Nepal in the peace process, whereas the focus of peacebuilders has been in general diversified, and has included civil society groups. This broad-based engagement sought to target political leaders, marginalised groups, civil society, and the population in general.

Outside such formal agencies of the state as the CA, and the different Ministries, peacebuilders have focused on working with marginalised communities, by funding civil society groups working for the rights of marginalised groups, or in more extensive projects with a social inclusion focus. Through their support, peacebuilders sought to enhance people's awareness of their political and social rights, and generate grassroots demands for inclusive policies (Interview with human rights activist, 18 August 2017 (b), Kathmandu). A key example here is NEFIN. Since 2004, donors, such as DFID and the EU, had funded NEFIN for different projects on awareness-raising and empowerment, provided fellowships and media training, as well as sought to improve the livelihoods of marginalised communities, through promotion of the political, economic, social and cultural rights of Janajati groups (Nordic Foundation for Development and Ecology, 2012). Such funding to groups, like NEFIN, succeeded in bringing a Janajati perspective to national issues, as well as challenging the CHHE dominance in a 'significant manner'(Onta, 2006). The funding from donors, such as DFID, was later withdrawn in 2011, due to NEFIN's participation in strikes (Sharma, 2012).

At a more local level, peacebuilders were also committed to several civic awareness programmes, to disseminate information, and seek contributions from people on different aspects of the constitution writing process. For instance, the UNDP supported the formation of 14 Constitution Information Centres across Nepal, to further discussions on Constitution writing at a local level (International IDEA, 2015).

Avenues of Cooperation and Contestation

Despite both operating within the domain of the Nepali peace process, given the sheer differences in the very modality of engagement, there were limited avenues of cooperation. Further, given the dispersal of peacebuilding actors, as well as their diversified areas of work, coordination, even among peacebuilders themselves, has been a challenge. However, on the ground, the impetus, to better coordinate 'peacebuilding' efforts, has led these diverse peacebuilders to form such centralised bodies as the Nepal Peace Trust Fund, and other donor consortiums. Further, they have tended to co-fund the same issues or similar organisations. For instance, bilateral donors like DANIDA (Danish International Development Agency), DFID, and the EU have funded issues of inclusion through NEFIN. Similarly, a host of peacebuilders, including UNDP, UNMIN, as well as such consortiums as NPTF, have funded various elements of the DDR process (Crozier and Watson, 2009). However, as India and China were not a part of the NPTF, there has been no institutional space for regional powers to coordinate with peacebuilders (Interview with former minister, 4 September 2017, Kathmandu). Apart from their non-membership of the NPTF, India and China did not attend donor forums, on different aspects of the peace and development process (Wagle, 2016). India and China only attended forums, if convened by the government, or when invited by such state bodies as the Ministry of Finance (Interview with former minister, 4 September 2017, Kathmandu).

The limited avenues of convergence became active contestation between India and peacebuilders like UNMIN in certain instances. A fundamental difference between India and Western countries, including the US, was regarding the role of the UN in the Nepali peace process, something with which India was not comfortable, given its experience of UN mediation in Kashmir (Muni, 2012). In turn, peacebuilders sought to resolve how to relate to India, and a conscious effort was made by Western states, to bring Delhi into their confidence (Whitfield, 2012). While the efforts of Nepali actors did lead to India's reluctantly agreeing to a UN presence in Nepal, India nevertheless severely restricted the very mandate of UNMIN. Nepali political actors hoped for more direct involvement of third party facilitation, but feared India would be against it (Whitfield, 2012). To assuage Indian concerns, Nepal sought not a 'boots

on the ground', armed peacekeeping mission, but rather a political mission with 'qualified civilian personnel' in the form of UNMIN (Martin, 2012). China shared India's apprehensions about an international presence in Nepal, concerned as it was about the role of the UN in a country neighbouring Tibet (Suhrke, 2011).

Apart from the fear of the UNMIN hijacking the process, distrust of it became more pronounced in key instances. Both India and the UNMIN endorsed the principle of elections, but differed on how swiftly they should be announced. The UNMIN subscribed to a more cautious approach, in view of the Madhesh uprising, and the fact that electoral laws were not yet finalised. India however favoured fast-tracking an election (Adhikari, 2012), in the belief this would serve to lock the Maoists into the mainstream, and would also limit the role of the internationals, especially the UN (Jha, 2007b). Their misgivings about the UNMIN sprung also from perceiving it to be increasingly 'angling for a political role in the Terai, and even goading Madheshi groups to ask for international mediation' (Jha, 2007b). On the issue of SSR, India saw the UNMIN as championing the Maoists, and trying to dilute the role of the NA. This led India to direct the NA, and all non-Maoist political parties, to oppose the UNMIN, implicating the UN, and culminating in its untimely exit (Sharma, 2019).

Despite its contestation with the UNMIN, India was also keen to have the international community, like the US, on its side. This was angled towards strengthening the gradually improving US-India relationships, after President Clinton's visit to India in 2000 (Muni, 2012). As a consequence, India has sought the engagement of such Western states and regional bodies, as the UK and the EU. Despite being limited to joint policy pronouncements, their close association is exemplified by the India-UK joint communiqué, and the statement of the Joint EU-India Summit. Both statements refer to their shared understanding of the need to expedite Nepal's constitution drafting process (EU-India Summit, 2016). Such statements legitimise the centrality of India as the regional hegemon, in determining developments in such countries as Nepal. In Nepal, the statements were viewed as part of the process of Western countries ceding the policy lead to India. This 'outsourcing of Nepal policy' to India is believed to have risen, in tandem with the increase in India's strategic importance for Western

countries, due to factors such as access to Indian markets, and the rise of the Indian diaspora in the West, and finally to the rise of China (Interview with Editor-in- Chief, 7 August, 2017, Kathmandu).

Limitations of Peacebuilding Projects

Superficially, the regional stance appears hostile to the norms promoted by peacebuilding on issues of inclusion, SSR and transitional justice. Further, India's stake in the process, and the intensity of its engagement, also meant that it could limit the very scope of peacebuilders like UNMIN. The asymmetrical dependency of Nepali elites on India, also ensured that, compared to peacebuilders, India had multiple levers from which to choose, including regime change, in order to bolster its engagement (Dabhade and Pant, 2004). While the engagement of emergent powers has, to some degree, cut down the capacity of liberal peacebuilders, their effectiveness has also been beset by their own operational deficiencies. The lack of conceptual clarity on various issues, coupled with over-reliance on norms, their focus on formal institutions, and finally the inability to withstand an elite backlash, are some of the factors that have impacted on the issues of SSR, inclusion, and transitional justice, as will be discussed

Conceptual Deficiencies

The conceptual inconsistencies of norms and concepts being promoted by peacebuilders have made their deployment difficult in practice. For instance, SSR as a concept seeks to incorporate wide-ranging norms of the rule of law, human rights, accountability, and civilian supremacy, thus compromising its clarity, and making it difficult for domestic parties to own, and deliver on. Firstly, the normative bias of the concept led to such powerful factions, as the NA, being convinced they would rather oppose any discussion of the issue, than enter into it (Interview with SSR expert, 3 September, 2017). The NA, and traditional political parties, judged the discourse of SSR as having an underlying agenda to 'downsize' the Army, thereby weakening it. Further, their idea, to integrate the PLA into the NA, was seen as a device to politicise the NA, given that Nepal's three security bodies: the Nepal Police, the

Nepal Armed Police, and the intelligence services; had been thoroughly politicised, due to the infiltration of party cadres. This coupled with politically motivated transfers and promotions and, in extreme cases, police officers being used for intimidation during elections, ensured that any discussion on the politicisation of the NA, was readily received (Pandey, 2009). The lack of concision also meant that different parties could use one component, over others, based on their institutional convenience. For instance, as the debate on SSR began in Nepal, political parties had one definition of it, the Army had another, and the Maoists yet another (Interview with SSR expert, 3 September, 2017).

Similar conceptual inconsistencies marred the transitional justice debate, dividing civil society groups. With some civil society members favouring reconciliation, while others focused on criminal accountability, the two groups seemed incompatible (Farasat and Hayner, 2009). The total number and range of peacebuilders in the field, compounded the conceptual deficiencies. Their lack of coordination and cooperation complicated, rather than transformed, the debate. It was widely felt, for example, that the UN, signally failed to use its leverage over the Army, in its long-held role as a major peacekeeping troop contributor, to demand Maoist integration, as well as promote the NA's accountability (von Einsiede and Salih, 2017). While the UNMIN was campaigning for the management of armies, and the OHCHR was publicly advocating for accountability; the Department of Peacekeeping Operations and the UN Secretary General were commending the NA for their role in peacekeeping deployments (Rawski and Sharma, 2012). This was clear evidence of the utter incoordination, amongst UN bodies themselves, to launch and bring to fruition peace process agendas.

Prioritisation of Norms and Institutions Rather than Needs

A prioritisation of pre-determined solutions, based on 'best practice', and peacebuilders' templates has both enabled the co-option of institutions, as well as neglected the needs at grassroots level.

In the first place, peacebuilders were focused on supporting formal institutions, often ignoring informal ones, and failing to take into account the politics underpinning these formal institutions. Despite the academic and policy reflection, that technocratic and institutional solutions fail, if not aligned with elite interests (Khan, 2018), peacebuilders continued to focus on institutional solutions. In the peace process in Nepal, they were invested in supporting the CA, and crafting legislations and policies, in accordance with international legal frameworks. Though the peacebuilders focused largely on the CA, and its processes, to institutionalise such agendas as inclusion, the fate of these agendas was decided by elite pacts, between political leaders outside the CA. Further, senior leaders of different political parties barely participated in such prominent initiatives of liberal peacebuilders, as constitutional dialogue workshops, or even in CA proceedings themselves (Tamang, 2014).

Additionally, the focus on institutions meant that they could be adopted formally, but not be allowed to function, or be withdrawn, as demonstrated by the changes in the institutional commitments to inclusion, transitional justice, or SSR, between 2008 and 2015. Nepal's peace process shows that institutions matter, but also that are malleable, and easy to co-opt. The radical difference on inclusion provisions in the Interim Constitution of 2007, compared to the Constitution of 2015, as well as the 'born to fail' mandates of the Commission on Disappearances, and the TRC, all are illustrative of this trend. Further, it was largely felt that these transitional justice provisions were merely added to circumvent international prescriptions, and reduce the risk of international prosecutions and criticism (Gill, 2019). This 'performative' transitional justice process has been co-opted, to circumvent other countries exercising universal jurisdiction over Nepali perpetrators (Selim, 2018).

Similar to the intensity of their focus on institutions, peacebuilders overwhelmingly concentrated on liberal norms, to ensure that Nepali elites created policies, in accordance with international legal mechanisms. Peacebuilding organisations used transitional justice provisions, as a reason to bring people, and organisations, into line in instances of non-compliance. Statements such as, 'If Nepal's transitional justice mechanisms fail to adopt proper standards, those accused of international crimes, such

as torture, and crimes against humanity, will remain vulnerable to prosecution abroad under universal jurisdiction' by peacebuilders have been fairly frequent (Human Rights Watch, 2019). Such narrow legalism, framed around universal jurisdiction, led the political class to equate transitional justice with prosecution and universal jurisdiction, leading to its reproach.

Prioritisation of norms also marginalised the needs of the victims. For instance, a needs-based assessment, conducted by the International Centre for Transitional Justice (ICTJ), identified the priorities of victims to be: compensation, education, basic needs such as food, housing and clothing, health and medical facilities, and employment (International Centre for Transitional Justice, 2008). However, though the needs assessment by victims' groups identified basic economic and social rights as their priority, the transitional justice agenda fiercely promoted by peacebuilders, was centred on political rights (Robins, 2012). This centrality of political rights, within the framework of liberal peacebuilding, which further focused overwhelmingly on the prosecution of perpetrators, risked marginalising such concerns as basic needs, and diverted resources of all types to the judicial agenda (Robins, 2012).

By the same token, in the management of arms and armies, Nepal opted for a process, where combatants would be given initial seed money, and could then retire voluntarily, with no state monitoring of the process thereafter. The Nepali proposal of 'voluntary retirement' was resisted by peacebuilders, who expressed the view, that case studies from Africa demonstrated the need for a long-term rehabilitation process (Interview with member of SC, 10 August 2017, Kathmandu). As the 'voluntary retirement' process went against the grain of liberal peacebuilding models, peacebuilders would not finance the process, leaving the Nepali state to bear the entire cost of the 'voluntary retirement scheme' (Interview with member of SC, 10 August 2017, Kathmandu). Instead, peacebuilders were insistent that former combatants had to have opportunities for rehabilitation, including skills development training sessions. However, although fully financed by the peacebuilders, these sessions did not appeal to the combatants, with only only six combatants opting for it (Interview with member of SC, 10 August 2017, Kathmandu).

Recoiling in the Face of an Elite Backlash

Their failure to resist an elite backlash has been one of the peacebuilders' greatest problems. In Nepal, the initial enthusiasm, and the role carved for peacebuilders, suffered a swift decline. In the early days of the peace process, political parties, 'witch-hunted' by the royal authorities in the mid-2000s, had supported the role of international monitoring (Rawski and Sharma, 2012). After the overthrow of the monarchy, when peacebuilders started to incriminate such political parties as the Maoists and NC, in the debate on transitional justice, issues of human rights and accountability became very contested (Sharma, 2017). A similar aversion to the role of peacebuilders was felt on the issue of inclusion. Political elites objected to peacebuilders' funding of political issues, such as 'social cohesion', framing it as meddling in national affairs (Drucza, 2017).

This increased hostility to peacebuilders was demonstrated, in several instances, as the peace process limped along. A British Ambassador's article, in a Nepali newspaper, arguing for the right to convert to a different religion, led people to view secularism as a western agenda, whose aim was the proselytisation of Hindus (The Nepali Times, 2015). Similarly, the EU Election Observation mission's recommendations, on Nepal's reservation policy, incurred the wrath of political leaders, including the Prime Minister, who labelled it as an infringement of the sovereignty and territorial integrity (The Kathmandu Post, 2018). In yet another instance, a report entitled, 'Forging Equal Citizenship in a Multicultural Nepal', funded by DFID and the Asian Development Bank, was shelved, after pressure from CHHE (Drucza, 2017). By the same token, the Nepali government is alleged to have diluted the inclusion-related content of the UN Development Assistance Framework, which guides the work of the UN in Nepal (Drucza, 2017).

Peacebuilders were seen to have exceeded their limits, in engineering Nepal through their 'power of the purse' (Interview with human rights activist, 18 August, 2017 (b), Kathmandu), and in controlling important elements of the state, including, 'media, mind and social movements' (Interview with Editor-in-Chief, 7 August 2017,

Kathmandu). The peacebuilders' response here, was becoming less progressive about condemning policies, thus leaving the concerns of marginalised groups, and their partial successes so far in the process, in limbo (Rawski and Sharma, 2012). As the backlash escalated, and given the contextual complexity, peacebuilders capitulated, through sheer pragmatism. In one instance, in 2011, DFID latterly withdrew its funding due to NEFIN's participation in strikes, held in order to pressurise the Constitutional Committee to expedite the process of writing the constitution, and uphold agreements signed with the government (Sanyahumbi, 2011). In its renunciation, of the promotion of inclusion, mid-way through the process, it bolstered the elite narrative, of inclusion being an agenda fabricated by donors (Neelakantan et al., 2016).

In having raised the difficult question of inclusion, only to discontinue it a few years later, peacebuilders were criticised not only by the elites, but also by marginalised groups, leading them to deplore the fact, that peacebuilders' support only served to reinforce Nepal's exclusionary political settlement. Further, the deleterious impact of international funding, for civil society groups associated with Madheshis or Janajatis, has been much debated, even within the Janajati movement (Bhattachan 2001). Concerns were raised, over the priorities of Janajati organisations changing in accordance with the funding schemes of peacebuilders, and about political agendas of inclusion being subverted to technical fixes (Hangen, 2007). Further, the very modality of funding, through which different NGOs receive funding for specific issues, such as 'women's rights', or Janajati rights', are seen to limit their potential to parochial silos, inhibiting a broad-based united front (Tamang, 2014). Additionally, the focus on legal provisions for inclusion by peacebuilders, also generated the feeling amongst elites, that marginalised groups would benefit at their expense immediately, while the actual transformation will take generations, if it is implemented at all (Rai and Shneiderman, 2019).

In the debate on SSR, a similar elite backlash, and the retreat of peacebuilders is evident. Instances such as UNMIN's drawing attention to the issue of human rights and the democratisation of the NA, combined with episodes, like the arrest of a Nepali

Colonel in London on grounds of universal jurisdiction, made the relationship between peacebuilders and the NA an uneasy one. UNMIN was seen as abetting the Maoists, and the NA and the entire political class objected to UNMIN's monitoring of the NA. In one instance, after the fall of the Maoist government, when the UN Secretary-General's report to the Security Council on Nepal highlighted the need for consensus among political parties, the government was quick to frame it as the UN's support to the Maoist government (Nepali Times, 2009). As the process became mired in controversy, attempted projects by the peacebuilding community, with the Ministry of Home Affairs for the Nepal Police and the Ministry of Defence, fell through, given the resistance to external involvement in sensitive issues like the security sector (Interview with SSR expert, 3 September, 2017). In the face of such a backlash, peacebuilders focused on less sensitive areas, such as the management of arms and armies, leaving questions of 'democratisation', and the accountability of the NA, untouched, and unanswered (Interview with human rights activist, 18 August 2017 (b), Kathmandu).

The pragmatic move away from professed 'liberalism' is most evident in the issue of transitional justice in Nepal. In the initial period of the peace process, the focus of civil society demands was on holding individuals to account for human rights abuses, and on calling the government to ratify the Rome Statute of the International Criminal Court (Farasat and Hayner, 2009). The collective efforts of international and national actors, on transitional justice, led to partial successes. In one instance, as referred to above, a Nepali Colonel, Kumar Lama, was arrested in London under Section 134 of the UK's 1988 Criminal Justice Act 1988, which allows for the arrest and prosecution of people accused of human rights violations, under universal jurisdiction (TRIAL International, 2016). In a further instance, NA personnel, charged with human rights violations, were repatriated from UN Peacekeeping missions. However, such swift actions were vehemently opposed by elites. Successive governments lobbied against the UK, in the case of Lama, describing his arrest rather as, 'an infringement of Nepal's sovereignty'(Spotlight, 2013). Given the protracted nature of the transition, the international community shifted their priorities to issues of federalism and governance, and have refrained from speaking out against human rights violations during the war. The advocacy efforts by victims groups did not receive the anticipated level of support

from the UN, or the OHCHR, either through any statements, or their visits to victims groups as the process became drawn out (Dixit, 2014; Nepali Times, 2014).

In an examination of the response to the elite backlash in Nepal, it is not the 'loss of agency' or 'crisis' of peacebuilding, as Western peacebuilding scholars have argued it to be (Chandler, 2017; Pospisil, 2019). Instead it is a selective renunciation of agency, on points at which it needs to move on, resulting in drastic variations of the agency, in different phases of the peace process. As inclusion, SSR, and transitional justice, became controversial issues, peacebuilders either reduced their involvement in, or overlooked, contentious issues, allegedly carrying on the business of 'development' as usual (Rawski and Sharma, 2012).

Impact of International Engagement on Political Settlements

Multiple Stresses and Conditionality on the Political Settlements

Plural forms of engagement in the peace process, from India, China, and liberal peacebuilders, have brought multiple stresses, pressures and conditionality: all of which directly and indirectly impact the political settlements in Nepal. Such external conditionality and stresses are more pronounced during peace processes, where different social groups are drawing on different forms of international support, to strengthen their position in the discussions on changing an erstwhile exclusive political settlement to an inclusive one (Fritz and Menocal, 2007).

In Nepal, the CHHE elites, as well as contending elites, like the Maoists and the Madheshis, at various points have either supported, or resisted, the normative and institutional endpoints proposed by peacebuilders, or the pressures introduced by Indian engagement. Normative and institutional endpoints, such as ratifying the ILO-169 Convention, and signing up to the implementation of the United Nations Security Council Resolutions 1325 and 1820, have refined the way the Nepali state has looked

at issues of gender, and the rights of indigenous people (International Labour Organisation, 2007; Ministry of Peace and Reconstruction, 2011). Similarly, the peacebuilders' drive to add institutions, like Local Peace Committees, and TRC, and their professed commitment to human rights and accountability, has led the Nepali state to pledge efforts, often beyond its ability or interest. As for Indian engagement, there have been a series of pressures: to preserve the Hindu state, against the national mandate on secularism; to keep the NA free from any proposed 'democratisation of the Army; as well as to agree to integrate the demands of the Madheshi groups (Jha, 2014; Karat, 2015; Muni, 2017). This has compelled the CHHE elites to accommodate Madheshi groups, vouch for unconditional support of the NA, as well as renounce previous commitments to secularism.

The varied forms of international engagement often coalesce with competing domestic demands, in a contested political environment. This can be *horizontally*: between contending elites, such as traditional political parties, like the NC, and the UML, representing CHHE interests, and Madheshis, and the Maoists, representing forces for inclusion; and *vertically* by different groups, namely Janajati groups, and victims' groups, demanding commitment from the state on inclusion, and transitional justice. Other groups, for example former PLA combatants, who were not entitled to the same benefits as former full-time PLA combatants, given their ages, or for because they were late recruits, have also been seeking due recognition and benefits from the state (IRIN, Nepal, 2012). In the horizontal agreement, Madheshi political parties have drawn support from India, as well as embracing the narrative of inclusion supported by peacebuilders. Similarly, Janajati groups have used international forums, and international legal instruments, to justify and frame their demands for basic inclusive state policies (OHCHR, 2018; Tamang, 2010). Janajati groups have also benefitted from the material support of peacebuilders, to build their organisational capacity (Onta, 2006; Tamang, 2014). By the same token, victims of human rights violations have used the normative framework of transitional justice and accountability (Rawski and Sharma, 2012), while former combatants have sought to demand compensation, and even petitioned the OHCHR's office in Geneva (Ghimire, 2019).

The multiple pressures have been aggravated by the fact that stresses and pressures, brought about by international engagement, evolve and shift, as they conform to the local context at grassroots level, or change their priorities, based on their domestic circumstances. In the case of Nepal, the rise of the BJP in India, with Hindutva as its ideological foundation, combined with elections in the neighbouring provinces of Bihar and Uttar Pradesh, has resulted in shifts in their engagement. Similarly, the engagement of peacebuilders has been shaped by evolving debates on the war on terror, the narrative on inclusive political settlements as the source for post-conflict strategy, as well as their changes of heart, in the face of an elite backlash. These shifting patterns of international engagement highlight that no form of international engagement translates neatly from policy to practice.

Further, as international engagement has shifted, so has its acceptance. Between 2005-2015, the perception of peacebuilding, and all forms of international engagement it involved radically shifted ground. While the UN role in the management of arms and armies was welcomed in 2007, as was the Indian role in the facilitation of the 12- point agreement, the response was a completely different one, as the peace process changed direction (Rawski and Sharma, 2012). In the later stages, concerns of sovereignty, or international engagement in contentious social issues, resulted in an extreme form of elite backlash (Drucza, 2017).

Transforming Pressures to Opportunities: Co-option and Hedging

While plural forms of international engagement do bring added stress to the political settlements, with differences in the modalities of engagement between India and peacebuilders, and an almost complete absence of convergence between them, domestic political settlements witness two distinct effects. Firstly, the absence of an integrated international approach dilutes the international influence, and disincentives political elites to reform. Here, it is worth noting that regional actors like India, unlike peacebuilders, are not interested in tailoring their support, in order to negotiate an inclusive political settlement. In fact, in the case of Nepal, we see that India was

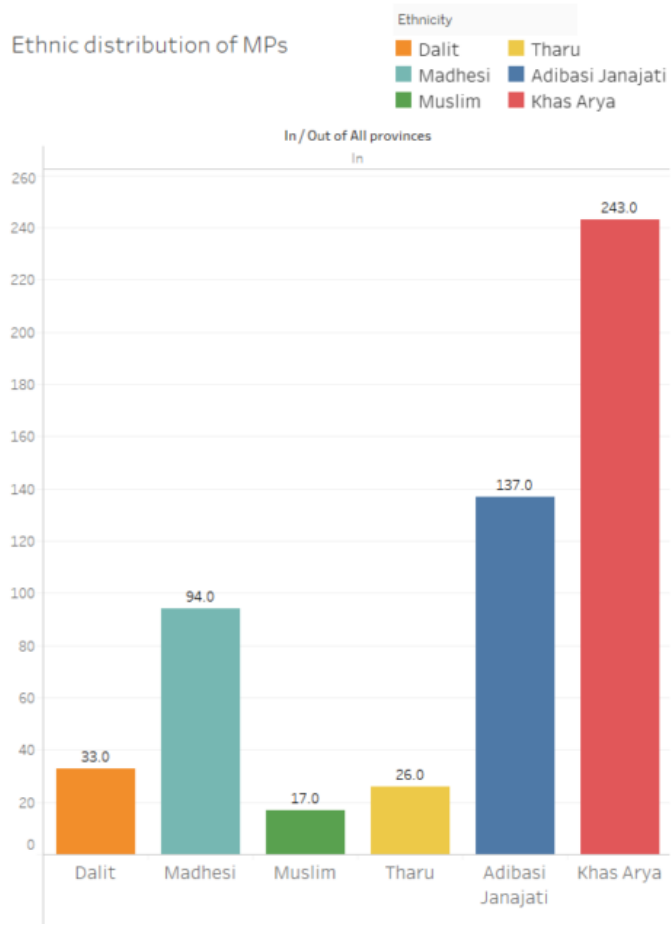
interested in a ‘controlled’ form of change, and not an overhaul of the political settlement (Sharma, 2019). It sought an inclusive Constitution, that embedded the demands of the Madheshis, and which would foster stability across the border, but not a form of inclusion that would guarantee rights for non-Hindus. Similarly, the NA, Nepal’s strongest institution, has remained untouched by the processes of transition, largely due to Indian influences.

Due to the changing priorites and forms of Indian engagement, its impact political settlements, have been mixed, resulting in a reduction in the motivation of CHHE to adopt a transformative approach to political settlements. In fact, the differences in the modalities of engagement, with peacebuilders invested in the formal peace process, centred on the CA, and delivering on the commitments of the CPA; and India focused on political pacts, has enabled them to travel as parallel processes, rather than as an integrated process. In essence, the separation of the two processes has rendered the peace process subprime, and often even undercut existing commitments made in the CA.

Conversely, when a diverse range of international actors are concerted in their approach, there is a domino effect on national responses to political settlements. This is evident in the concerted efforts of all international actors, including India, who worked to forge a pact between the Maoists and the Seven Party Alliance, resulting in the formation of the CPA, and triggering the peace process. Further, robust outcomes of concerted efforts are also evident in the success of the Madheshi parties, who benefitted from the support of India, and also through the institutional and normative architecture on inclusion, as supported by the peacebuilders. Not surprisingly, as shown in Figure 4, the results of the provincial elections in 2017, demonstrate that apart from CHHE, Madheshis remain the only group over-represented relative to their population (Paswan, 2018).

Figure 4: Ethnic distribution of MPs in provincial elections 2017

(Source: The Record, 2018)



Secondly, the difference in approaches has opened up opportunities for Nepali elites to autonomously take decisions, to increase their dominance, though their benefitting from, or even appropriating and co-opting, both forms of international engagement, or by 'hedging their bets' between the two. The very existence of plural forms of engagement means that elites in Nepal have multiple sources, to materially benefit from, with each bringing distinct dividends. For instance, every political party in Nepal has sought Indian support to remain in power, albeit then accusing India of political intrusion when out of power (Adhikari, 2014). Political leaders have sought Indian assistance, not only to appoint them to power directly, but also for development projects in their constituencies in order to legitimise their rule (Sharma, 2019). Here, Chinese aid, and infrastructural support, also keeps the regime buoyant, especially

during crises in bilateral relations with India. By the same token, peacebuilders have not only brought material dividends, but also ensured the legitimacy of the overall process (Interview with peace negotiator, 6 August 2017, Kathmandu). Between 2006 and 2011, Official Development Assistance during the peace process totalled nearly USD 4.4 billion, annually accounting for 5-6% of Nepal's gross national income, and a quarter of the national budget (DANIDA, 2013). The UNMIN and other peacebuilding organisations have also been involved as 'neutral' third parties, who through supporting components of the peace process, such as monitoring elections, as well as managing the process of disarming and demobilising combatants, have validated them, and protected the elites from pressures from different marginalised groups, as well as from international pressures (Interview with peace negotiator, 8 August 2017, Kathmandu).

Nepali elites have been able to co-opt these multiple forms of international engagement. For instance, Nepali elites are seen to have reassured India's ruling party, the BJP, that their concerns, about the mention of secularism in the Constitution would be addressed, and in addition proffered their commitment to India that Madheshi demands would be taken on board, during the writing of the new Constitution (Muni, 2015b; Sharma, 2019). However, their alleged commitment to India concealed their true intent. In the same way, while the elites in Nepal asserted their commitment to the CPA, which established an institutional and normative framework, reflecting liberal aims of inclusion, human rights and accountability, and the strengthening of democracy, these commitments were either watered down in later stages, or never implemented, or saw major reversals (Rawski and Sharma, 2012). In yet another form of co-option, in order to balance the contrasting prescriptions of peacebuilders and India, and the opposing domestic mobilisations for and against secularism, political elites in Nepal have also merged opposing prescriptions. This has enabled a hybrid version of secularism to emerge, one that avers secularism, but continues to privilege Hinduism.

Plural forms also provide opportunities to 'hedge', by balancing between multiple international pressures to preserve elite dominance. Hedging away from Indian

dominance, through diversification of Nepal's foreign policy, or in being on good terms with China, has historically been a conscious strategy in Nepali foreign policy (Chaturvedy and Malone, 2012). In the peace process, the legacy has continued. The NA found support in India, when faced with pressures from the UNMIN, to integrate Maoist combatants and adapt to the spirit of the democratisation of the NA (Jha, 2014). The differences between UNMIN and Indian approaches, as regards the role of the NA in the peace process, have enabled the hedging process. This has allowed the NA not only to circumvent UNMIN's ordinances, but also to divert commitment in the CPA to 'democratise'. Conversely, in trying to rid themselves of Indian dominance, Nepali elites sought UNMIN involvement, despite India's professed interest in leading the process of supervision of Maoist combatants (Sharma, 2019). Here, the legacy of Indian political intrusion, and the fear of Indian dominance in the process, which could delegitimise the role of Nepali political actors, is thought to have played its part (Interview with political commentator, 4 August 2017, Kathmandu). In the peace process, UNMIN fulfilled the role of a largely neutral third party, which could form a useful counterweight to Indian dominance in the peace process.

In yet another instance, as alluded to earlier, during the promulgation of the Constitution in 2015, India sent a cold response, only 'noting' the Constitution, given its disapproval of the Constitution in its failure to address Indian concerns about Madheshis and secularism. The Indian response read, 'We *note* the promulgation in Nepal today of a Constitution. We are concerned that the situation in several parts of the country bordering India continues to be violent' (Ministry of External Affairs, India, 2015b). This noting of the promulgation of India, backed later by an economic blockade, was seen by Nepali elites as an infringement of its sovereign rights. Nepal sought to balance the pressure from India, by relying on China's 'noted with pleasure' endorsement of the promulgation of the new Constitution, as well as the UN and the US having hailed it as a milestone, despite some deficiencies (United Nations, 2015c). The political leadership, amidst such a divided international response, sought legitimacy by seeking support from the 'international community', against India's displeasure (Economic Times, 2015). The hedging was further enabled by ongoing differences between India and China, where Chinese sources called on Nepal to

resolve the differences of opinion on the Constitution without 'outside interference', a veiled reference to India (Bhattacherjee, 2015).

Given the dividends of co-option and hedging, Nepali elites are said to have themselves promoted the 'treatment in isolation' of different international actors (Interview with former minister, 4 September, 2017). Political leaders were reported as having met Indian representatives and the 'international Western community' quite separately (Interview with former minister, 4 September, 2017). Additionally, to be able to hedge, and co-opt, Nepali elites have continued to diversify their matrix of international engagement, by invoking all forms of it, thus spreading the risk of international coercion. Despite the elite backlash against peacebuilders, they continued to engage with them within the peace process, and do so currently, in different developmental and governance related issues. Similarly, notwithstanding the long history of a perceived Indian interference, Indian engagement and involvement has been sought continually (Mohan, 2012).

Within this response of hedging and co-option, hedging away from India has limited impact, given the scale of dependence outside the confines of the peace process. However, hedging away from peacebuilders has a profound impact on the fate of peacebuilding agendas, including the democratisation of the NA, and transitional justice. Hedging away from peacebuilders, on the one hand, has diluted these agendas, but it has also safeguarded their space within the wider transition, as elites have needed peacebuilders to counter-balance India. Thus, Nepali elites have continued to engage with and co-opt liberal prescripts by 'performing' a commitment to liberal peace, rather than rejecting them outright (Selim, 2018).

Emergence of Hybrid Peace Structures

The very process of co-option and hedging has necessitated the adoption of some Indian directives, and those of peacebuilders, but has largely allowed Nepali elites to be autonomous, and defend their dominance, by selectively assimilating limited reforms, or by diluting institutional commitments as the timeline progresses. However,

in enlarging the scope for the autonomy and choice of Nepali elites, they have directed the discussion on political settlements to the status quo, while bringing limited gains for marginalised groups. It has left groups, such as Madheshis, Janajatis, Dalits, and victims of human rights violations, at the mercy of a utilitarian and insular Indian engagement, and the fluctuating avatar of liberal peacebuilders, in their tendency to distance themselves from controversial agendas, as the peace process progressed.

This negligible change has been enabled by hybrid peace structures, which began with bold and ambitious commitments, but became mired in the processes of an elite backlash, various reversals, as well as co-opting and hedging international engagement. Here, as mentioned in the preceding chapter, institutional commitments to affirmative action were diluted by the addition of the already over-represented 'Khas Arya' or High caste groups to the list of 'communities' entitled to reservation. The electoral system privileging a PR system, so critical to marginalised groups, was reversed to a FPTP system. Finally, discussions on a federalism based on 'genuine autonomy', were countermanded by the assignation of politically motivated and manipulated boundaries, with the power to preserve CHHE dominance (Interview with Constitutional lawyer, 12 August 2017, Kathmandu). Similarly, the promise of a bold version of SSR was reduced to a process, where only a basic skeletal form of DDR emerged. Here, 1422 ex-combatants were integrated into the NA, while minor combatants were left without compensation or rehabilitation packages. More importantly, bold pledges, on the 'democratisation of the Nepal Army', stand forgotten. Tragically, victims' groups still wait for justice, despite the CPA's commitment, and the crucial international support for the formation of such institutions as the CIEDP and TRC. Apart from temporary relief, little has materialised. Perhaps the only success story of the Nepali transition is the emergence of Madheshi parties, and the prioritisation of Madheshi communities by the government, as its logical corollary. The Madheshi are seen to attribute their success to the initial support from India (Sharma, 2019), as well as to the 'inclusion' momentum supported by peacebuilders. Added to this is their ability to politically organise, at both national and regional levels (Tamang, 2017), which has helped them make significant gains from every changing coalition.

The fact that Madheshis and Maoists have proved themselves to be credible political forces, able to decisively influence discourse in Nepal today, is testament to the transformation. However, this transformation in the political settlement has co-opted contending elites, rendering the political settlement at the horizontal level more inclusive, while the settlement at the vertical level, between the elite actors and wider society, has not lived up to the commitments of the peace process. Non-dominant minorities, the poor, the landless, and Dalits have been largely left out of the dividends of the state restructuring agenda in Nepal. For instance, the provincial election results of 2017 evidence that, of the 7 provinces, with the exceptions of Province 1, where Janajatis constitute 48 % of the MPs, and Province 2, with its Madheshi majority of 72%, the CHHE has continued to dominate in all other provinces (Paswan, 2018). Moreover, Dalits, Janajatis and women continue to be underrepresented. It is to be observed, that both the most powerful, and the least powerful, sections of Nepali society continue in their erstwhile positions. Victims groups are generally unorganised and, despite calling for justice for the last 15 years, they remain at the margins. In contrast, the most powerful institution in Nepal, the NA, has only been further strengthened subsequent to the peace process (Sharma, 2017). This unevenness, despite a promising start, is evidence that Nepal's peace process has led to negligible gains.

In this context, the weak nature of liberal peacebuilding is seen to have implications for marginalised groups. When looking at inclusion, marginalised communities sought to use the norms and forms of engagement of liberal peacebuilders, by referencing international human rights treaties to articulate their rights, and through the use of international forums, like the Human Rights Council, to internationalise their issues, and to build their organisations through funding by peacebuilders (Tamang, 2010). Marginalised groups have also deployed the endorsement, and legitimisation, of peacebuilders to articulate their standpoints. For instance, while the report by the EU's Election Observation Mission, on excluding dominant groups from the reservation policy, faced a backlash from the dominant group, it was welcomed by coalitions of marginalised groups, such as NEFIN (MyRepublica, 2018). The support

of liberal peacebuilders, in this context, empowered the marginalised groups, giving them the normative space and resources. However, abandoning marginalised groups, in the face of an elite backlash, decimated any gains. By the same token, as the least successful aspect of the peace process, the declining international interest of peacebuilders on transitional justice has served to worsen its lamentable state, beset as it is by a limited legal mandate, a toothless institution, and a sheer absence of political will (Interview with human rights activist, 18 August 2017 (b), Kathmandu).

In summary, international engagement, through multiple pressures and conditionality, has imposed marginal changes on the political settlement. However, plural forms of international engagement, operating at different levels, with varied modality, in turn have created space for elites to circumvent these pressures, through strategies such as hedging, and co-option, thereby increasing their choices, and allowing them to reinforce their status quo.

Conclusion

This chapter has empirically engaged with the central research questions of this thesis, in order to explore how India has engaged in the peace process in Nepal, and how its engagement has differed from, and interacted with, peacebuilding projects. The chapter outlined India's paradoxical stance on the issue of inclusion, where it has supported inclusion while resisting secularism. It has also outlined how India's obsession with stability and security across its borders has positioned the NA as a beacon of stability, and thwarted debates on SSR and transitional justice. More broadly, this chapter has sketched the differences in modality between India and the peacebuilders, where the former has promoted a narrow, elite-focused engagement, centred on the political process, while the peacebuilders have engaged at multiple levels, and supported the deliverables of the CPA. In its outlining of these dissimilarities, it has pointed to India's aversion to any endorsement of norms, and its limited macro political engagement, mainly emanating from its own priorities, rather than the deliverables of a peace accord. The differences in approach, as this chapter asserts, have incurred multiple pressures from international actors, but also resulted in

openings, where elites have been able to operate autonomously, free from such pressures, through their co-option, and hedging of different international directives. The processes, however, have led to hybrid forms of peace, which have not lived up to the spirit of the CPA, but have reinforced the status quo, bringing only marginal gains for the marginalised groups.

Part III: Myanmar's Unending Transition: Where China Meets the Peacebuilders

Since 2011, Myanmar has been going through twin transitions: a transition from military rule to democracy, and a further transition from insurgencies in ethnic regions to a form of negoitated settlement through a peace process. The implementation of these twin processes has however been largely unsuccessful. At the heart of the peace process has been a quest for inclusion, by various Ethnic Armed Organisations (EAOs), who have for decades taken up arms against an exclusive political settlement: defined by the dominance of the Bamar majority and the marginalisation of ethnic groups like the Kachin, Shan, and Chin groups, who comprise one third of the population from the social, political and economic domains of the state. The peace process, and peace agreements, such as the Nationwide Ceasefire Agreement (NCA), signed in 2015, has sought to foster inclusion, through some form of territorial powersharing by committing to federalism; and a form of 'security-reintegration', with components of SSR and DDR to address the dominance of the military (the Tatmadaw), in all sectors of the state, including politics.

Since 2011, tri-partite bargains between the Tatmadaw; and over a dozen EAOs, many of whom have yet to sign the NCA; and the democratic opposition, led by political parties, like the National League of Democracy (NLD), have debated the modalities of federalism, and the feasibility of SSR/ DDR. Given the Tatmadaw's reluctance, and the minimal agreement amongst the various EAOs, as well as between the EAOs and the democratic opposition, little has moved forward in the peace process. With nominal democracy in place, Aung Saan Suu Kyi, the global face of democracy, has been the de-facto head of the government since 2016, but the military continues to dominate politics, and form the base of the power pyramid, supported by the institutional prerogatives of the Constitution of 2008 (Bhatia, 2015). Similarly, despite the seemingly well-institutionalised peace process, a host of EAOs and the Tatmadaw have continued their fight in Northern parts of the country, while a fragile ceasefire

based on the NCA dominates the Southern part. Ten years into the peace process, EAOs are still debating the NCA: the first of the seven steps of the peace process.

While, largely, a domestic-led process, the centrality of China and the liberal peacebuilders, who had been called on by domestic elites to support the transition, cannot be overlooked. This co-existence of China and the liberal peacebuilders in Myanmar's peace process has been an uneasy one, with limited convergence, and even active contestation. Within this co-existence, the relative frailty of liberal peacebuilders, and the pragmatic, unpredictable, often contradictory nature of China's approach to the peace process, in addition to the sheer number of competing domestic groups, have all inhibited a momentum for change, in the political settlement set out by the peace process. Instead, it has resulted in reinforcing the status quo. Today Myanmar represents a hybrid order, best described as, partial peace and limited democracy (Bunte, 2011).

In Part III, which comprises Chapters 5 and 6, all facets of these arguments will be explored. Chapter 5 therefore begins with the history of the conflict in Myanmar, and how it gave birth to demands for inclusion and SSR, which have become central to the peace process. It continues by discussing the peace process, and the negotiations over the changes in political settlement. Finally, the chapter sketches a broad contour of international engagement in Myanmar's peace process, along with the history of international engagement that preceded that process, to depict how elements in the peace process have been conditioned by historical legacies.

Figure 5: Political map of Myanmar with regions and states

(Source: https://asiapacific.anu.edu.au/mapsonline/base-maps/myanmar-statesregions)

Chapter 5: Evolution of Myanmar's Peace Process

Brief Political History of the Conflict

Since the earliest days of its independence Myanmar (formerly known as Burma) has witnessed multiple insurgencies, waged by various Ethnic Armed Organisations (EAOs). These insurgencies are rooted in the exclusive political settlement in Myanmar, where the Bamar majority has dominated in all facets of the state, at the expense of different ethnic groups. These wide-ranging ethnic insurgencies, have demanded the capacity to influence the political decision-making processes, and sought economic and social development in their territories, in addition to the prioritisation of cultural rights and religious freedoms (Kramer, 2012). The primary vectors of exclusion in Myanmar have been ethnic identity, namely Bamar versus the varied ethnic groups of Chin, Kachin, and Karen; and also religion, with a Buddhist majority versus Christian, Hindu and Muslim minorities. There is only a degree of overlap between ethnic identity and religion (Hayward and Walton, 2016).

Ethnic accommodation, for a diverse country like Myanmar, with 135 ethnic groups, categorised under eight major ethnic communities (Kachin, Karen, Karreni, Chin, Mon, Rakhine, Shan, Bamar), is unquestionably arduous. However, colonial legacy, as well as failure to institute mechanisms to accommodate this diversity through some form of power-sharing, has exacerbated exclusion and perpetuated the conflicts.

A Perpetual Quest for Inclusion

A turbulent colonial history, where Myanmar was governed by the British between 1885 and 1948, interceded by a brief period of Japanese occupation (1942-1945), aggravated existing ethnic divides. For one, colonial Myanmar was never governed as a coherent whole. Lower Myanmar (populated by Burmans, Mon and Rakhine), was directly administered by the British, while frontier areas (populated by ethnic groups)

enjoyed varying levels of autonomy (Taylor, 2007a; Than, 2013; Walton, 2008). Colonial policies, including preferential recruitment of ethnic groups from frontier areas by the British, and Japanese support to the Burma Independence Army (BIA), which was largely Buddhist and Bamar, not only exacerbated ethnic tensions, but also weakened the interdependence of different ethnic and religious groups (Selth, 1986; Taylor, 2007b; Walton, 2013, 2008).

Issues of ethnic accommodation were central even before independence. In the lead upto the independence, Aung San, the leader of the independence movement, made a pact with ethnic groups such as the Kachin, Chin and Shan, in the form of the Panglong Agreement of 1948. In an attempt to rally the frontier areas to support independence, Aung San promised the ethnic groups full autonomy in internal administration of the frontier areas, in exchange for their acceptance of the new Union of Burma (Smith, 1991; South, 2009). This guaranteeing of a federal system, along with the right of secession for the Karenni and Shan groups, as enshrined in the 1947 Constitution, became the basis for ethnic accommodation, as an independent Burma was being conceived (South, 2009). The exclusion of many groups, such as the Naga, Wa, Palaung, Rakhine, and Karen, from the Panglong agreement, in addition to the lack of clarity on such political concepts as ‘federal’ and ‘Union, which were mentioned in the Agreement, meant that by the time Myanmar was independent, groups like the Karen National Union (KNU), as well as Arakanese, Karenni and Mon ethnic nationalists, had already taken up arms (Gravers, 2007; South, 2009; Walton, 2008).

Post-independence policies, made by both the short-lived democratic government in the 1950s, and the military one, from 1962 to 2010, have curbed any attempt to foster inclusion. Policies including: attempts to make Buddhism the state religion; the creation of a unitary state, despite calls for federalism; prioritising the use of a single language; and finally the development of a national culture based on Bamar values and symbols, have prevented any possibilities of ethnic accommodation (Rajah, 1998; Silverstein, 1998). In 1958, on grounds of instability, unleashed by the insurgencies, the Tatmadaw took charge for an interim period, only to overthrow the elected civilian

regime and take over fully in 1962. Since then, and until 2010, Myanmar has been governed by the military, under the different leaderships, as shown in Table 5.

Table 5: A timeline of regime shifts in Myanmar
(Source: Review of documents by the author)

Year	Regimes
1948- 1962	Democratic rule under Prime Minister U Nu (interrupted in 1958).
1962-1988	Military rule under Gen. Ne Win, overthrowing the elected civilian government under U Nu.
1988-1992	General Saw Maung retains power under the State Law and Order Restoration Council (SLORC) banner.
1992-2010	General Than Shwe, the former military commander, takes over as President. In 1997, the military government changes its name from SLORC to State Peace and Development Council (SPDC).
2010-2015	Thein Shein takes over as the President.
2015 onwards	The National League for Democracy (NLD) wins the election, and Aung Saan Suu Kyi leads Myanmar as the *de facto* leader, ushering in a nominal form of democracy

With the authoritarian shift, in 1960s Myanmar retreated politically into a one-party state. The 'Burmese way to Socialism' ideology, as espoused by the military rulers, negatively impacted upon the economic potential of this resource-rich state. Further, the policy of isolation impeded its integration with the rest of the region (Smith, 1991). The military failed to deliver the autonomy, promised by the Panglong Agreement, and its tendency to centralise the state, also perpetuated the dominance of a Bamar majority in virtually all organs of the state. This tendency towards centralisation led to the Kachin and Shan groups, who had been included in the Panglong Agreement, resorting to armed violence. In the 1960s the Kachin had formed the Kachin Independence Organisation (KIO), and the Shans, the Shan State Army (SSA) (Gravers, 2007; Walton, 2008).

As these insurgencies gained momentum, many EAOs have proliferated, and enjoyed de-facto statehood in different pocket territories, mostly in bordering areas. They have

commanded large territories; set up parallel governance systems, that include taxation and conscription, in return for basic health and education services; and acquired a greater degree of legitimacy than the governing state in these areas (Brenner, 2017a; Callahan, 2007; Farrelly, 2015).

Rapid developments in the latter years of the 1980s brought new attempts to defuse the insurgencies, but did not address the core issue of exclusion. Domestically, in 1988, a mass protest against the Ne Win government led to its collapse, compelling the succeeding military government to promise elections in 1990. The elections held in that year, saw the emergence of the NLD, led by Aung Saan Suu Kyi, the daughter of Aung San, as the winner. However, the military regime not only refused to transfer power, but made any transfer of power conditional on the writing of a new Constitution (Smith, 1991; Taylor, 2012). In order to write this Constitution, the military ordered a National Convention, which began work between 1993 and 1996, resuming its task in 2003. This period coincided with the Communist Parties of Burma (CPB) uprising of 1988, when the rank and file, comprising largely of ethnic groups, rebelled against a predominant Bamar leadership of the party. The dissolution of the Communist Party into ethnic fronts led to the formation of new EAOs, such as the United Wa State Army (UWSP) (Smith, 1991). The repression of the pro-democracy protests of 1988, as well as the Tatmadaw's refusal to transfer power to the NLD after the 1990 elections, provoked international condemnations, culminating in the imposition of wide-ranging sanctions by Wesern states on Myanmar by the mid-1990s. In the face of Western ostracisation, pressures from the democracy movement led by the NLD, and finally widespread insurgencies by different EAOs, the military government's principal focus was to quell all uprisings. The attempt to neutralise the EAOs came in the form of ceasefire agreements, including those forged with well-armed EAOs, namely the KIO, the UWSA, and the New Mon State Party (NMSP).

Ceasefire accords granted a number of dispensations to EAOs, in return for a cessation of violence and restricting the recruitment of troops. EAOs had the right to remain armed, the right to administer their demarcated territory, and the right to conduct cross-border commercial activities (Egreteau and Jagan, 2013; Rajah, 1998; Than, 2013).

The ceasefires served to appease EAOs, and to open up lucrative business opportunities, especially in natural resource extraction industries, such as jade mines, mineral extraction and logging (Oo, 2014; Yawngwhe, 2014). 'Ceasefire capitalism' was unleashed, with an informal economic powersharing between EAOs, military forces, and businessmen from across the border in China, who sought to exploit Myanmar's resource-laden terrains and divide the revenue (Smith, 2007; Woods, 2011). The ceasefires did end the violence, bringing a degree of stability, and facilitated state control of many areas, especially those with economic potential for investment, without incurring the costs of counter-insurgency. However they failed to tackle the political issues, which underpinned ethnic grievances (Brenner, 2015; Cooper, 2012; Woods, 2016). All these factors further discredited the leadership of such EAOs as the KIO, who were increasingly seen as corrupt and disengaged from everyday concerns of the Kachin people (Brenner, 2015). The absence of political dialogue also aroused the resentment of ethnic communities, for not addressing such important political questions as health, education, and policing. They were also strongly opposed to the process of 'Burmanisation' in ceasefire areas, where the Burmese language was being taught in schools, and public celebrations of Buddhist ceremonies were promoted (Laoutides and Ware, 2016).

The ceasefires and the process of the National Convention also consolidated the Tatmadaw's hold on the political settlement, by inhibiting any possibilities of alliance between the multiple EAOs, as well as between EAOs and the democratic opposition. Despite some alliances between EAOs in the early 1990s, individual EAOs formed their own strategies. Some larger EAOs, like the Karen National Union (KNU), decided to work with pro-democracy groups in the Myanmar- Thailand borderlands, while the KIO signed a ceasefire with the military, and took part in the National Convention process (Smith, 2016). There were differences too in their manifestos, even amongst those EAOs who agreed to the ceasefire. While groups, like the UWSA, petitioned for regions to be autonomous, others sought a federal Union (Smith, 2010). Thus, as Callahan suggests, the Tatmadaw survived 'not because it faces no criticism, but because its multiple oppositions found it impose to unite' (Callahan, 2009).

Some of these ceasefires broke down in the late 2000s, when the military government pressurised the ceasefire groups to disarm, and enlist as the Border Guard Force (BGF), or become militia forces under Tatmadaw command. While smaller groups transformed themselves into the government-controlled BGF, or became the People's Militia Force (PMF), many, like the UWSA and the KIO, rejected the Tatmadaw's plan of action. The proposals to disarm came as the Tatmadaw was preparing for the election in 2010, based on a directive of the 2008 Constitution, written by the National Convention. The Constitution became controversial, as it was put to the vote by a referendum only a week after Cyclone Nargis, a humanitarian disaster of unparalleled proportions for Myanmar (James, 2006). Further, the Constitution allocated 25% of seats in the national Parliament to the military, in addition to their retention of such key ministries as Home Affairs, Border Affairs, and Defence (Turnell, 2012). Such developments on the Constitutional front coincided with the breakdown of ceasefires after two decades, and the resumption of military attacks in the Kokang region near the Chinese border (Khen and Nyoi, 2014).

With the NLD having boycotted the polls, Thein Sein's quasi-civilian government won the 2010 elections, and reached out to ethnic groups to engage on a peace process. However, he had to do more than call for ceasefires, the failure of which had characterised Myanmar's previous attempts to attain peace. Thein Sein revoked the previous requirement that EAOs should enlist in the BGF, and he also promised political dialogue on pertinent political questions such as federalism rather than limiting the process to a ceasefire (Oo, 2014).

Calls for Rethinking Security Sector and Accountability for Human Rights

Due to the many territorial threats from ethnic and Communist uprisings, the Tatmadaw from its early years prioritised the achievement of institutional strength, through the expansion and modernisation of the armed forces (Callahan, 2005; Nakanishi, 2013; Selth, 2001; Taylor, 2013). Not only had the Army increased in number from 180,000 to 350,000 by 1995, but it had also invested in sophisticated

weapons systems (Callahan, 2009). The Tatmadaw ensured a high degree of cohesion, given its predominantly Bamar and Buddhist composition, and its deeply-entrenched patronage networks catering to its rank and file, by providing high-status roles for them, not only in the military, but also in government and business (Farrelly, 2013; Nakanishi, 2013; Taylor, 1998; Turnell, 2011). The expanding economic role of the Tatmadaw, including such financial assets as the Union of Myanmar Economic Holding Limited, and the Myanmar Economic Corporation, which invested in sectors such as steel, jade, gems and tourism, has further helped the generation of patronage-related revenue (Bunte, 2011). Equally, the Tatmadaw has ruthlessly repressed opponents, with strategies like the 'four cuts', targeted to deprive the population of four forms of support: food, funds, intelligence and recruits, with the sole aim of increasing its hold (Myoe, 2009).

By the same token, in order to defend and govern their territory, and fight the Tatmadaw, EAOs have continued to recruit, and to organise themselves professionally into regions, divisions, and battalions, and in addition sought to source sophisticated arms (Jolliffe, 2017). The matrix of EAOs has also grown over the years, with 53 recorded armed groups of varying sizes today (Nyein, 2019). The strengthening of both the EAOs, and the Tatmadaw, has created a deadlock in the political settlement, where the Tatmadaw, albeit the most powerful and established actor, has failed to impose a political solution across different parts of the country, and continues to be challenged by a range of opposition groups (David and Holliday, 2006). The growth of the Tatmadaw and the EAOs, has led to large numbers of armies and militias, and a proliferation of arms and mines. As the country transitions into peace however, the feasibility of continued employment for combatants is thrown into doubt.

The uninterrupted nature of the insurgencies on multiple fronts has also left a legacy of human rights abuses. The Tatmadaw, and to a lesser degree the EAOs, have been charged with grave human rights violations: abduction, arbitrary detention, forced labour, extortion, land grabs, and torture and ill-treatment in detention (Amnesty International, 2019). The scale of violence, through the years, has resulted in over

200,000 people being internally displaced, in addition to around 100,000 taking shelter in camps in Thailand (Nyein, 2019).

At the launch of the peace process in 2011, questions were posed as to what would happen to the EAO armies on entering peace talks. Further issues raised were regarding how the Tatmadaw would adapt to demands of civilian supremacy, or indeed respond to its accountability for decades of human rights violations. Today all of these issues remain central to the peace process, embedded within discussions of inclusion, SSR, and human rights, despite the absence of the term transitional justice.

Myanmar's Peace Process

Building the Institutions of the Peace Process

As noted in the introduction to this chapter, having won the elections in 2010, President Thein Sein went on to facilitate two distinct transitions in the following year: from civil war to a peace process, and from authoritarianism to a degree of democratic accountability. The peace process enabled the balancing of international and domestic pressures for democratisation and ethnic accommodation.

Deviating significantly from Myanmar's prior attempts, Thein Sein invited international support. The peace process not only promised comprehensive dialogue on political questions, a core demand of EAOs, but also established an elaborate institutional structure to aid the process (Oo, 2014). The NCA of 2015 put in place two critically important bodies: the Joint Monitoring Committee (JMC), and the Union Peace Dialogue Joint Committee (UPDJC), both of which are overseen by the NCA Joint Implementation Coordination Meeting (JICM). The JMC is responsible for maintaining the ceasefire, and for drafting, as well as enforcing, the code of conduct, while the UPDJC is responsible for overseeing the process of the political dialogue. All decisions made by the Committees are submitted to the Union Panglong Conference and, once agreed, are signed as an Accord, and finally tabled in Parliament for ratification as shown in Figure 6. Additionally, until 2015, the Myanmar Peace

Centre (MPC), was sanctioned to act as a 'one-stop shop', to coordinate all peace initiatives, and for all stakeholders, including donors, NGOs, and INGOs (Myanmar Peace Monitor, n.d.). It was set up as a semi-autonomous body, in agreement with the Norway-led Peace Support Donor Group.

Until 2015, the framework of the peace process revolved around ceasefires at state level and at Union level (Kipgen, 2015). Following the agreement on the content of the NCA in 2014, the NCA, as a single-text to be signed by all EAOs, came into force. A single-text document was a core demand of the EAOs, who were concerned about the Tatmadaw's divide and rule policy. The NCA is an open agreement, and the government has continued to encourage the EAOs to sign it. It is also more comprehensive than the bilateral agreements signed with individual EAOs, and sets out a 7-stage process as shown below.

Figure 6: Stages of the peace process proposed in the Nationwide Ceasefire Agreement (Source: Peace Agreements Database)

The content of the NCA in itself promised to engender significant changes to the political settlement in Myanmar. On inclusion, it committed to: 'Establish a union based on the principles of democracy and federalism in accordance with the outcomes of political dialogue and in the spirit of Panglong…' (Bell et al., 2017). Similarly, it affirmed its faith in secularism, by explicitly pledging to: 'Establish a secular state

based on the principle of the separation of religion and state in order to avoid abuse of religion for political interests'. Similarly, on the question of the SSR, the NCA also committed to: 'negotiating security reintegration matters and undertaking other necessary tasks that both parties agree can be carried out in advance' (Bell et al., 2017). It further stated, it would: 'Discuss matters concerning a Tatmadaw, composed of all ethnic nationalities during political dialogue'(Bell et al., 2017). More boldly, Article 22 of the NCA, offered assurances that decisions made by the Union Peace Conference 'shall be the basis for amending, repealing and adding provisions to the Constitution and laws' (Bell et al., 2017): a Constitution that privileges the Tatmadaw. Such commitments promised a fundamental change in the political settlement. Pledges of territorial powersharing, in the form of federalism, sought to devolve power away from the centre to ethnic regions. Meanwhile calls for 'security reintegration' echoed to demands of broader security sector reform (SSR), seeking to modify and reduce the centrality of the Tatmadaw. The reform process of 2011 also opened limited space to discuss issues of human rights and accountability.

The peace process, initiated by Thein Sein, achieved some significant gains. Eight EAOs signed the NCA, while seven refused to do so, and a further six were prohibited from signing. Of the six, three important groups: the Ta'ang National Liberation Army (TNLA), the Myanmar National Democratic Alliance Army (MNDAA), and the Arakan Army (AA) were barred; as they did not emerge as serious actors, until after the start of the peace process. Since the victory of the NLD, in 2015, State Counsellor Aung Saan Suu Kyi has directed the peace process, introducing several modifications. Institutionally, the single biggest change was to transform the semi-autonomous MPC into a governmental body, the National Reconciliation and Peace Centre (NRPC). Suu Kyi also formed the Joint Coordinating Body for Peace Process Funding (JCB) to promote accountability, and effectively allocate the foreign aid budget to critical sectors of the peace process (Myanmar News Agency, 2016). Further, peace support institutions, such as the JMC and the UPDJC, were to have political representatives only from parties that won seats in the last elections, and finally, a 21st century Panglong conference, in place of the Union Peace Conference, would be organised every 6 months (International Crisis Group, 2016).

Challenges to 'Peace'

The peace process has been challenged by two core realities. First, the elaborate edifice of the peace process, at the national level, is at variance with some of the heaviest fighting for decades, in the North of the country. This underlines the dual reality in Myanmar: a formalised peace process at the centre, with islands of 'war' in different parts of the periphery. Since 2011, while ceasefires with groups like KNU have brought some respite from strife in Southeast Myanmar, fighting has persisted in Northern areas, where the Tatmadaw have fought such groups as the KIO, causing large-scale displacement. Further, new groups, such as the AA, have emerged and formed alliances with other Northern forces, spiralling the conflict trajectory.

In fact, due to the contrast between local and national levels in the peace process, EAOs can be categorised into three groups: signatories to the NCA, including the KNU a non-signatory of the ceasefire earlier in the 1990s; and two groups of non-signatories who have disputed the ceasefire, and are now challenging the 'ceasefire first and political dialogue later' approach of the NCA (Meehan, 2016). Of the signatories, only three are credible armed groups, while the rest might be 'best described as NGOs' (Lintner, 2017). More catastrophically, in October 2018, two of the main signatories, the KNU and the Restoration Council of Shan State, withdrew from the process, citing its failure to meaningfully implement the agreement. Of the two groups of non-signatories of the NCA, one was affiliated to the United Nationalities Federal Council (UNFC), formed after the 2010 elections. The UNFC's demands encompassed: the all-inclusive participation of EAOs in the peace process; a guarantee of federalism; direct talks with ethnic armed groups collectively instead of individually; and a tripartite dialogue mechanism, to include the EAOs, political parties (including ethnic parties), and the military (Mang, 2016). With many UNFC members signing the NCA, and some, like the KIO, leaving the bloc, it has for all intents and purposes disintegrated (Wansai, 2018a). The second group of non-signatories forms the Federal Political Negotiation and Consultative Committee (FPNCC). The FPNCC includes groups largely based in the North of the country, and is united under the leadership of the

UWSA. Accounting for more than 80% of the country's armed rebels (Lintner, 2017), the FPNCC, with such powerful members as the UWSA and the KIO, has stated it will not sign the NCA, but will pursue political dialogue independently of it. Four members of the FPNCC: the KIO, the MNDAA, the TNLA, and the AA are further grouped as the Northern Alliance, and have continued to clash with the military during the peace process.

Table 6: The position of different EAOs with regards to the NCA
(Source: Review of documents by the author)

Position of EAOs with regards to the NCA	**Ethnic Armed Organisations**	
Signatories	All Burma Students Democratic Front Arakan Liberation Party Chin National Front Democratic Karen Buddhist Army – Brigade 5 Karen National Liberation Army Peace Council Karen National Union (KNU) Pa-O National Liberation Organization Restoration Council of Shan State (RCSS/SSA-South) New Mon State Party Lahu Democratic Union	
Non-signatories	UNFC	Karenni National Progressive Party New Mon State Party (NMSP) Arakan National Council Lahu Democratic Union Shan State Progress Party (SSPP/SSA-North)
	FPNCC	United Wa State Party (UWSP) National Democratic Alliance Army Shan State Progress Party (SSPP/SSA-North) Kachin Independence Organization (KIO) Ta'ang National Liberation Army (TNLA) Myanmar National Democratic Alliance Army (MNDAA) Arakan Army (AA)

This split stance of EAOs, with regards to the NCA, has meant that the country is divided between areas where a fragile ceasefire prevails, governed through 'interim provisions' classified in the NCA, while active combat continues in some Northern parts. Additionally, even where there are pockets of peace in the North, such as the Wa Hills, there may be a ceasefire but the Myanmar state has a limited presence there, as the area identifies more with China than with Myanmar (Fiskesjö, 2010). As it stands the government is working with a two-pronged action plan: political dialogue with signatories of the NCA, and getting the non-signatories to sign the NCA.

Secondly, unlike Nepal, where grassroots movements triggered a change in the political settlements, the top-down nature of Myanmar's transition, led by a quasi-civilian government, has meant that the scale of change, proposed in the peace process, had to accommodate the military (Myint-U, 2020). This has been made more difficult, as the political settlement post-2011, but more so after the 2015 electoral victory of the NLD, has had to accommodate the NLD, who head the government. The attempt to accommodate tri-partite interests of the EAOs, the democratic opposition, and the Tatmadaw, with little coherence, either within or between them, has inhibited the formation of elite pacts, which could have given definition to the peace process agendas (Adhikari and Htoi, 2017). Instead, a diarchy has been brought into being. For, from 2016, the NLD, as the party in power, has formally managed the peace process; while the military, with its control of the portfolios of Defence, Home Affairs, and Border Security, has determined the fate of conflicts on the ground, often undercutting NLD's authority in the peace process (Interview with UN representative, 25 July, 2017, Yangon).

Since the NLD assumed power in 2016, EAOs have had to negotiate not only with the Tatmadaw but also the civilian government. The EAOs have expressed the difficulties they have encountered with a new and less-experienced negotiating team. Led by the NLD, the process has become increasingly formulaic and bureaucratic (Burma News International, 2017). This diarchy has also left the NLD, despite its willingness to make a difference, without any capacity to change the policy towards ethnic peoples (Maw,

2017). Further, despite the democratic credentials of the NLD, insiders have stated that Aung Saan Suu Kyi's tenure has caused the peace process to regress. For she has been balancing a tightrope between the military and the EAOs, often becoming a mere bystander in the process (Interview with journalist, 11 July, 2017, Yangon). Some have even questioned the NLD's willingness to address EAOs' grievances, noting that the NLD had prioritised reconciliation with the military, above any alignment with the EAOs to campaign for a broader accommodation on questions of inclusion (Interview with activist, 16 November, 2018, Yangon).

This diarchy has also meant that there has been a disconnect between the Parliamentary process, which the NLD is prioritising, and the peace process, where the EAOs see their role. The issue of constitutional amendment was viewed as likely to bring the two factions together, as the NCA stated that all decisions adopted by the Union Peace Conference should be the basis for amending, repealing and adding provisions to the Constitution (Bell et al., 2017). Accordingly, the NLD-led government had viewed the peace process as a route to reform the Constitution, where it could press for democratic change, along with changes in federalism or security integration, to be agreed through the peace process (International Crisis Group, 2019). However, with imminent 2020 elections, and the stagnation of the peace process, in order to maintain its electoral pledge, the NLD decided to take an alternative route to constitutional amendment in 2019. It formed a joint committee to recommend amendments to the constitution (International Crisis Group, 2019). However, despite agreeing to the NCA, and its pledge for Constitutional amendment, in accordance with the decisions of the peace process, the Tatmadaw has performed a U-turn, on the extent of any amendment to the Constitution, it is willing to accept. The current Commander-in-Chief, Min Aung Hlaing, has repeatedly remarked that the Tatmadaw is opposed to any amendment that would result in the armed forces losing their special prerogatives (Myint, 2019; Wansai, 2018b).This brings into question if decisions agreed by stakeholders in the peace process, which has progressed as an extra-constitutional process, can be transformed into constitutional commitments (Interview with peacebuilding funder, 12 July 2017, Yangon).

Such tensions have led to fundamental disagreements between the EAOs, the government, and the Tatmadaw, on fundamental issues as of SSR/DDR, and federalism, in addition to the nascent discussions on transitional justice. These three sectors are of course the focus of this thesis, and will be discussed below.

Ongoing Discussions on Inclusion

Despite multiple vectors of exclusion, peace process discussions are centred largely on ethnicity, given decades of ethnic insurgencies rooted in ideas of autonomy and identity (Lall, 2009). Accordingly, demands for federalism have been at the heart of the peace process, and are seen as principal routes for inclusion.

Other means of inclusion, such as changes in the electoral systems, from a First Past the Post (FPTP) system to a Proportional Representation (PR), or a mixed system were also discussed (Dukalskis and Raymond, 2018; Lemargie et al., 2015; Lochery, 2014). However, given the NLD's opposition to a change in the system, and the military-backed Union Solidarity and Development Party (USDP) making an about turn on the issue, discussions on PR were largely shelved. However, in the lead-up to the 2020 elections, some ethnic parties were beginning to raise their voices against a FPTP's 'winner takes it all' approach (The Irrawaddy, 2019). Similarly, there were discussions on quotas for women's participation in the election. With the discussion yet to be confirmed as a policy, the number of women contesting elections remained below 30% (European Union Election Follow-up Mission, 2019). While of utmost importance, the peace process has also largely overlooked the criticality of religion. It only came to the fore in the aftermath of the Rohingya crisis. The sectarian violence between Buddhists and Muslims in Rakhine state in 2012 has, over the years, led to a massive exodus of Rohingya Muslims across the border to Bangladesh. The Rohingyas are not recognised as one of the 135 national races, and do not have rights as citizens (International Center for Transitional Justice, 2017). As Rohingyas had no army of their own, they were not party to the peace talks. This also has resulted in the peace process focusing on horizontal inclusion, where the Tatmadaw seeks to accommodate contending ethnic elites, yet a vertical inclusion, to address all forms of marginalisation, remains largely ignored.

The debate on federalism has come a long way in Myanmar. The 2008 Constitution in Myanmar introduced some form of decentralisation, with seven regions and seven states divided on the basis of ethnicity. However, the EAOs have argued that this administrative decentralisation does not conform to long-standing demands for political autonomy and fair distribution of resources (Batcheler, 2018). In the peace process, different EAOs have institutionalised these demands, by categorising 'genuine federalism' as one of the 11 common points uniting their individual struggles (Bell et al., 2017). The Tatmadaw, in contrast, has tended to see federalism as a 'slippery slope' to secession and disintegration of the country (Interview with journalist, 13 July 2017 (b), Yangon). It was only three years after the start of the peace process, that the Tatmadaw agreed to initiate discussions on federalism (Aung, 2016).

Today, while there exists agreement on the need for federalism, the position of the different parties varies. While the Tatmadaw grudgingly accepted federalism, it has made it conditional on EAOs' acceptance of a 'non-secession' clause. In addition it has often changed its mind on the extent of compromises on federalism it is willing to make, at times even stating that Myanmar is already federal (Jolliffe, 2017). This hesitancy is complemented by the Tatmadaw, and the government, wanting the issue of federalism to be dealt with after the signing of the NCA peace accord, and as an internal Parliamentary issue, within the framework of the 2008 constitution drafted by the military (Buscemi, 2019). However EAOs affirm that any genuine dialogue on federalism, necessitates a sea-change in the Constitution and thus, the 2008 Constitution cannot be the reference point (Wansai, 2018b).

Signatory EAOs, in turn, do not want a discussion on non-secession. Further, against the background of a decades-long civil war, some EAOs feel that the option of self-determination should be retained as a last resort (Brenner, 2017b). Further, for non-signatory EAOs, affiliated to the FPNCC, the issue concerns the sequencing between the NCA and federal guarantees. They seek to ascertain the terms of the political settlement, especially on federal guarantees, before signing the ceasefire. This is in direct contrast to the NCA's approach, which views political dialogue as the sequel to

ceasefire (Interview with political analyst, 19 July 2017, Yangon).

The NLD, in turn, has repeatedly committed to federalism in principle, and has pronounced federalism as being key to peace in Myanmar (Interview with Member of Parliament, 18 November 2018, Yangon). However, the NLD-led government has not come forward with its own position on federalism, and instead has only occupied itself in listening to debates around the issue (Interview with Member of Parliament, 18 November, 2018, Yangon). Since 2019, the NLD started sloganeering for the 2020 elections, leaving such debates as federalism further down the list of priorities (Interview with NGO representative, 12 November 2018, Yangon). Additionally, in the last four years of their rule, the NLD's commitment to federalism in practice has been questioned. The NLD appointed its own party members, as Chief Ministers in the Rakhine and Shan Assemblies in 2016, despite ethnic parties winning the majority of seats. Similarly, it tried to use the Union Parliament to control the state and regional assemblies, through the enactment of the Myanmar Hluttaw Committee Bill. The NLD also named a bridge in Mon state after Aung San, who is a Bamar, against the wishes of local people who wanted it to be named after a Mon (Myint, 2017). This has led some to believe that if the NLD is re-elected in 2020 but cannot initiate federalism, the distance between the NLD and ethnic peoples will increase (The Irrawaddy, 2019).

The position on federalism is complicated by the absence of details on its specifics, including: the number of federal states/provinces; the choice between asymmetric and symmetric federalism; the state of sub-national minorities in ethnic provinces; as well as provisions for power-sharing between the Centre and other states. The discussions on modalities are still at an infant stage and considerably abstract, seemingly because the peace process itself is at an early stage (Interview with peacebuilding consultant, 10 July 2017(b), Yangon). The firmest proposal so far, which emerged after a meeting of 17 EAOs, is to change the delineation of states. This proposal seeks to change the '7 states and 7 regions' model of devolution into one where the Bamar dominated seven regions is converted into one state, which is equal to the other seven ethnic states (Wansai, 2018b).

The endeavour to bring about a uniform proposal on federalism is hindered further by the difference between dominant and non-dominant EAOs. There are fundamental tensions between ethnic groups and their associated EAOs and political parties 'that envision federalism as being primarily about increasing powers held by Myanmar's existing seven states, (such as the Kachin and Shan), and those that wish to see significant powers granted to lower levels of government or for additional states to be created (such as the Pa-O, Red Shan, Ta'ang, and Wa)' (Minoletti and Sandi, 2018, Pg 5). This form of devolution, centred on dominant ethnic groups, has alarmed sub-minorities who fear that political control by dominant ethnic groups, at state level, will replace domination by the Centre, especially as regards such groups as the Wa, Ta'ang and Pa-O, who currently have their own self-administered areas (International Crisis Group, 2016). Further, agreement on the type of federalism is hamstrung by various levels of autonomy, currently enjoyed by different groups and their visions of federalism.

In addition, given the extra-constitutional nature of the peace process, parliamentary discussions on federalism have been conducted simultaneously with discussions on decentralisation. A further decentralisation is deemed crucial as Myanmar federalises (Batcheler, 2018). The formal peace process involves the Parliament only marginally, through the representation of political parties in the political dialogue. This sets discussions in Parliament on decentralisation apart from discussions on the formal peace process (Interview with researcher, 21 November 2018 (c), Yangon).

Given the elementary level of discussion on the form and scope of federalism, my discussions on federalism in Yangon were centred on what are likely to be the most pertinent themes that will define the form and scope of federalism. While many themes were covered, namely: the promotion of culture and identity through the use and teaching of mother tongues; regional boundaries; and education and health policies, the most pressing issue was about resource sharing, of hydropower, timber, and such natural resources as oil, gas, and minerals, amongst others (Interviews, July, 2017; November, 2018, Yangon). Economic issues centred on resource sharing have become more pertinent, given that the peace process has led to the cessation of fighting in many

of the areas formerly controlled by EAOs, thus opening these former battlegrounds to formal trade and investment. The easing of sanctions through the peace process has further opened up these areas to swathes of foreign investments. These investment opportunities are likely to prove a double-edged sword. On one hand, a 'long-term peace deal and political settlement, which places the control of revenues from extractive resources in the hands of local governments run by ethnic minority officials, may eliminate some of the most powerful motivations for the continuation of conflict' (Benson, 2015). On the other hand, valuable extractive resources can have negative impacts on peace, providing incentives for the formation, and maintenance, of non-state armed groups (Interview with peace negotiator, 15 November 2018, Yangon). Moreover, the flow of investment in ethnic areas, when the terms of the federalism and resource sharing are yet to be finalised, is likely to exacerbate existing tensions surrounding the peace process. In the ceasefire areas in Karen state, the people are already wary of the untrammeled access of business and industries, leading to land confiscation and environmental concerns. This has led the locals in ceasefire areas to declare that while 'We Used to Fear Bullets, we Now Fear Bulldozers'(Tarkapaw Youth Group et al., 2015).

Bargains Underpinning Security Sector Reform

With decades of insurgency and military rule, and the resulting proliferation of arms and armies, it is natural that SSR and DDR should become central to peace process discussions.

A core stumbling block, inhibiting the progress of debate on DDR, is the history of disarmament and demobilisation in Myanmar. Since the 1960s, a standard method of dealing with local ethnic resistance has been to persuade them to convert into state-sanctioned militias, as a form of integrating rebels into the security forces (Jolliffe, 2017). In the late 2000s, many small armed groups were reshaped and came under Tatmadaw command, in 24 Border Guard Forces and 15 Paramilitary Divisions, while such forces as the KIO refused to convert, leading to a ceasefire breakdown (Jolliffe, 2017). In fact, in 2011, in acknowledging how controversial DDR-type processes could be with the EAOs, President Thein Sein, cautioned his mediators not to mention

‘disarmament’, in the initial rounds of the peace process. It was thought that any conversation on DDR would disincentivise the EAOs to partake in peace talks, and derail the process. DDR was planned to be carried out at the end of the peace process, in accordance with international standards (Oo, 2014).

Additional and multiple differences between EAOs and the Tatmadaw on the process, have hindered the pace of negotiation on SSR/DDR. Firstly, while Tatmadaw wants EAOs to disarm, as part of the implementation of the NCA within the current security sector structure, the EAOs are against disarming before a comprehensive political settlement comes about on questions like federalism (Buscemi, 2019; Oo, 2014).

Secondly, the Tatmadaw has prioritised DDR for the EAOs, while EAOs view unilateral DDR, without a comprehensive SSR, as a means for neutralising them, both politically and militarily (Mil, 2018). Statements from the Tatmadaw’s Senior General, Min Aung Hlaing, on the need for EAOs to ‘undergo DDR for peace’ and ‘Ethnic armed groups (being) welcome if they wish to join the Tatmadaw in defence of the Union,’(Lynn, 2016) indicate the Tatmadaw’s focus on DDR. The EAO see Tatmadaw’s push for DDR as a ploy to divert attention from a comprehensive SSR, and to make the Tatmadaw’s composition more ethnically diverse (Wansai, 2016). However this begs the question as to whether EAOs want to be integrated into the existing security structures, or would like the entire security structure to be holistically reformed to an inclusive one (Mil, 2018). Despite the wide variation in discussions on the nature of the Army, all proposals calling for reform of the security sector focus on the very identity and composition of the Tatmadaw. The Tatmadaw is largely Bamar and Buddhist, with a limited number of Buddhist senior officers from minority ethnic groups (Selth, 2001). This has led minorities to see the Tatmadaw as a manifestation of ethnic Burman and Buddhist hegemony (Steinberg, 2018). The Tatmadaw, in turn, has insisted change in composition is not necessary, as it already has people from all ethnicities (Interview with SSR expert, 21 July 2017 (a), Yangon).

Even though the focus has been on DDR, the emphasis has been so much on disarmament and demobilisation, that the ‘rehabilitation’ component of DDR is largely

overlooked. Any reintegration process will need to include broader questions of: the disarming and demobilising of command structures; the absorption of demobilised combatants into local economies; and the curtailment of the economic base, built on extra-legal taxation and other means (Anderson, 2017).

Thirdly, the military insists that there should be a single army, or one national army, under the new federal government. However, the common perspective of EAOs, has been to endorse the 'Formation of Union Armed Forces' (Bell et al., 2017). There are differences on what constitutes this formation of 'Union Armed Forces'. Some EAOs see it as retaining their respective armed forces under a Union Federal Army (Kipgen, 2018), while others seek a more diverse and ethnically inclusive National Army. There have been further propsals too of a two-tier security sector, which would, on one level, have a Federal Union Tatmadaw composed of representatives from all states, functioning under the civilian government, and, on another level, have state armed forces under the state government (Jolliffe, 2017; Wansai, 2016).

Fourthly, SSR is a comprehensive set of reforms, which involves not only reframing the security apparatus of the country, but ensuring democratic oversight of the security and justice system, and strengthening the delivery of security and justice-related services (Jackson, 2011). Any SSR-related reform will need a discussion on civilian oversight of the military, and require revisiting the constitutional prerogatives of the military, enshrined in the 2008 Constitution. The Tatmadaw does not accept this vision, and is averse to an overhaul of the structure and composition of the Tatmadaw (Interview with SSR expert, 21 July 2017(a), Yangon). In the ongoing process of Constitutional amendment, initiated by the NLD in Parliament, the unelected military MPs, and lawmakers from the military-backed USDP, have opposed calls for charter reform, specifically in areas seeking to limit the Army's political role (Myint, 2020).

Instead, the Tatmadaw has flouted any attempt at civilian oversight, and sought to further centralise decision-making in security affairs, making the security sector the sole preserve of the Tatmadaw. Security-related matters are rarely transparent, or indeed openly discussed, inhibiting public engagement on the issue. The fact that

people in Myanmar are unable to access even such basic information, as the country's annual military expenditure, is a case in point (Interview with activist, 16 November 2018, Yangon). Even within the peace process, the Union Peace Conference's technical committee, tasked to discuss the security sector, has been manned solely by military professionals, and does not even have domestic advisors (Interview with SSR expert, 21 July 2017(a), Yangon).

Given the differences in stance between the EAOs and the Tatmadaw, and the structural factors that impede an overhaul of the security sector, a 'Localised SSR', focused on DDR activities, and adapted for areas with ongoing conflict, is likely to be a final compromise (Thiha, 2017).

Relative Silence on Transitional Justice

Despite the legacy of violence, the issue of transitional justice has been largely absent in the peace process (South, 2017). It has not been integrated into the peace process, or formally acknowledged in the NCA, and has not been prioritised by political actors. Although political prisoners have been released as a form of accountability for human rights, it would appear that institutional mechanisms designed to engage in transitional justice are not yet on the agenda. Ideally these would include such mechanisms as criminal prosecution, truth seeking, and reparation, including restitution, compensation, and rehabilitation. However all seem distant possibilities (ND-Burma, 2018).

The lack of recognition of transitional justice mechanisms is rooted in disinterest by the parties involved, and the top-down nature of the transition. The EAOs and the Tatmadaw have both been responsible for human rights violations, and are not expected to raise the issue of accountability. More so, the military are unlikely to negotiate real political reform, without receiving credible assurances of immunity from punishment for past crimes (David & Holliday, 2006). It was anticipated that a party like the NLD, composed of political prisoners, would prioritise some form of transitional justice. However, the opposition has chosen reconciliation as its central theme (David and Holliday, 2006). Fearing that the absence of credible guarantees

would derail democracy, the NLD has stressed it would not pursue retribution for the military, or initiate trials, but rather focus on reconciliation (Mann, 2015; Phipps and Weaver, 2015).

Further, grassroots pressures on transitional justice are only just emerging, and are marked either by viewing the concept as largely implausible and too ambitious for Myanmar's current political climate, or as an agenda that could derail even the little gains Myanmar has made (Interview with Head of a Peacebuilding Consortium, 10 July 2017 (a), Yangon). Surveys also reveal that there is limited demand for retributive measures, while clear support exists for revelatory measures, including truth commissions, documentation and memorialisation (David and Holliday, 2018).

This is not to say that there has been no desire, or efforts expended, for transitional justice. Amongst former political prisoners and those in exile, there is a desire for some form of transitional justice, largely at the local level (Interview with researcher, 14 July 2017, Yangon). In contrast to the global experience, transitional justice in Myanmar has been limited to localised efforts, led by smaller civil society efforts, and has not involved legal processes (Fischer, 2011). Such local efforts have focused on assisting victims to document human rights violations, through unofficial truth-telling events, exhibitions, commemorations, and advocacy, and have been supported by non-governmental organisations (International Center for Transitional Justice, 2013).

Some successes in the country's overall commitment to human rights have given some hope of a larger transitional justice story. For instance, seven soldiers, guilty of the extrajudicial killing of five civilians in Lashio, were sentenced and stripped of their positions in 2018. In addition, Burmese expatriates have had their citizenship reinstated, after having lost it due to having taken foreign citizenship or residency (ND-Burma, 2018). Further, the government investigated the matter of land seized by former government officials in 2017, and compensated the complainants (ND-Burma, 2018). Equally, the inclusion of Myanmar National Human Rights Commission in the government's prison reform process, is illustrative of several changes related to transitional justice (ND-Burma, 2018). Despite these developments in correcting the

legacy of past violence, the larger focus has been on 'reconciliation'. It, thus, remains unclear what forms of transitional justice, if any, will materialise in Myanmar (Manley, 2017). However, respondents have also cited that, as the reform process progresses, the demand for transitional justice is likely to be more pivotal (Interview with activist, 16 November 2018, Yangon).

Status of the Peace Process

Given the intractability of the debates on inclusion, SSR, and transitional Justice, as documented above, combined with the ongoing fighting in many areas, and the resulting stagnation in the peace process, it can be questioned if Myanmar has a peace process at all. Due to the above-mentioned factors, many EAOs are struggling to even agree on the NCA, the first of the seven stages. The outcome in the 9 years, since the start of the peace process, has been that 10 EAOs have signed the NCA. Further, three Union Peace Conferences entitled the '21st Century Panglong Conference' have been hosted, in 2016, 2017 and 2018, leading to agreements on a total of 51 points. Although the 51 points signed into the Union Accord, make some critical commitments on gender mainstreaming and regional development, they neglect the most contentious issues: resource-sharing; federal delineation; DDR and SSR; and broader democratic reform (State Counsellor Office, Republic of the Union of Myanmar, 2017).

Perhaps the most troubling development however has been the inability to uphold the commitment of the NCA, which has seriously damaged the level of trust in the process. Fighting and instability in certain areas have been used by the Tatmadaw to curtail national dialogue process between different signatory EAOs and their communities in some instances: one of the seven steps of the peace process. Prominent signatories, like the KNU, have cited the Tatmadaw as not only failing to honour its proposed Codes of Conduct for Troops, but also for going on to build more military outposts (Sein, 2016). The government has been accused of a dual-track policy of both engaging in talks with the insurgents, and fighting to annihilate them. Other critics have questioned if the peace process has been a facade facilitating the continued dominance

of the military. The cycles of violence, and the absence of trust, have also led to EAOs continuing to recruit even after signing the NCA, with groups like the RCSS/SSA-South increasing from 6500 in 2015 to 12000 today, and the SSPP/SSA-N increasing from 4000 to 7000 (Oo, 2019).

The absence of any demarcation of 'control areas' has made it more difficult to implement the NCA (Eisenman, 2018). The NCA sets out that signatory EAOs, would be responsible for such issues as security and development, health, education, socio-economic development, environmental conservation, and the promotion of ethnic culture and language in their respective areas, until a finalisation of the political dialogue (Bell et al., 2017). However, in the absence of clearly defined 'control areas', there have been small-scale conflicts, between the EAOs themselves, and EAOs and the military, over territory and natural resources (South et al., 2018). Further, the Tatmadaw has sought to restrict the rights of the EAOs to coordinate foreign aid, as well as to deliver services in areas of 'mixed control', both of which were agreed in the NCA. This has angered groups like the KNU, who have enjoyed de facto statehood and legitimacy for a long time (South et al., 2018).

A Sudden Shift in International Engagement: Invoking the Liberal Peacebuilders

Broad Contours of International Engagement in the Peace Process

While largely domestically led, international engagement in the peace process and its influence on such agendas as inclusion and SSR cannot be overlooked. Within this realm of international engagement in the peace process, China has emerged as the pre-eminent actor. With most non-signatories of the NCA living along the Chinese border, and given the occasional cross-border spill-over of violence, China has a direct stake and interest in the peace process (Han, 2016; Li and Lye, 2009). However, reversing the patterns of Myanmar's international relations, the peace process opened up avenues for engaging with the West, for the first time since the 1990s.

Prior to the start of the peace process, and the accompanying reforms in 2011, Western engagement in Myanmar was defined by a history of sanctions. Consequently, Myanmar viewed its neighbouring China as its principal diplomatic ally and economic patron. This resulted in Myanmar's asymmetric dependence on China, and China's dominance in the broader political economy of Myanmar. By 2011, there was a realisation that dependence on China had created a national emergency which needed to be addressed, by restoring relations with Western states, and resolving their concerns over democracy and human rights violations in Myanmar (Lintner, 2016a). The reforms associated with the peace process, and the summoning of Western actors to support that process, was intended to normalise the relationship with the West (Lintner, 2016a). The speed, of Myanmar's reaching out to the West, is said to have caught China by surprise (Zin and Joseph, 2012). The process of invoking peacebuilders as a medium to re-engage with Western states, began with the Thein Sein government's request, in 2011, to the Norwegian Foreign Minister to help facilitate and coordinate international support to the emerging peace process (South, 2014).

The opening up of Myanmar to peacebuilding expertise led to a 'gold rush' of international actors supporting the peace process establishing a presence in the country. These actors range from such bilateral donors as USAID, UKAID, and AusAID, to multilateral institutions like the UN, the World Bank, the EU, as well as INGOs (Bächtold et al., 2014). However, the existence of deeply-entrenched bilateral relations, the ongoing conflict at local levels across the Myanmar-China border, and China's time-tested relationship with many EAOs, ensured that the presence of liberal peacebuilders could not entirely reverse China's dominance. Subsequently, Myanmar's peace process has witnessed a co-existence between the liberal peacebuilders and China, albeit with varying strengths, interests, and motivations.

In this co-existence, China's most important role has been one of mediation, and the facilitation of meetings, between the EAOs and the government, in an attempt to forge a pact between the government and the EAOs to take the peace process forward

(Ganesan, 2017). China also remains the only actor able to bring all sides to the peace talks, something the Myanmar government has been unable to do (Interview with JMC representative, 13 November 2018, Yangon). For instance, since 2013, China has facilitated rounds of talks, between the KIO and the government and, in tandem with the UN, has been an observer to these bilateral talks (United States Institute of Peace, 2018). China also arranged for all EAOs based on the Northern Myanmar- China border, to fly from Yunnan province in China to attend the 21st Century Panglong Conference in 2017 (The Irrawaddy, 2017). Many EAO representatives confirmed that they attended the conference solely due to China's bidding (Tha, 2018). China's ability to influence all factions in Myanmar has been a predictor of its success in inviting EAOs to attend the peace talks. It has also managed to convince the Tatmadaw to allow such groups as MNDAA, AA, TNLA to come to the peace talks, something the military had not agreed to in the past (The Irrawaddy, 2017). Yet another pertinent Chinese role has been to shield the Myanmar government's action in international forums, especially after the Rohingya crisis when Western condemnation began to escalate. In a rather novel step, China has pledged support to peace institutions. Between 2017 and 2020, it pledged a total of $3 million to such peace institutions as the NRPC, and the JMC; and in 2017 also donated vehicles to the JMC (Htwe, 2019).

Peacebuilders, in turn have pledged support for the process, through: technical assistance for capacity building; development aid to deliver various aspects of ceasefire monitoring and the peace process; and finally humanitarian assistance in conflict-affected regions. The most common modality of technical assistance has focused on giving policy advice on various issues, such as designing the architecture of the peace process; proposing institutional reform; as well as supporting institutions embedded within the NCA, like the JMC. Under the Thein Sein government, such donors as the EU particularly focused on strengthening institutions that underpinned the peace process. Funding the MPC to steer the peace process, as well as the capacity building of institutions, like the Election Commission, are but two examples (NORAD, n.d). Peacebuilders have also prioritised the capacity building of different parties in the peace process, through organising exposure visits to other countries undergoing similar transitions, offering training from international experts and consultants on

different themes of the peace process, and sharing international best practice (Interview with Head of a Peacebuilding Consortium, 10 July 2017 (a), Yangon). While capacity building has largely focused on EAOs and civil society groups, there have been some workshops for armed forces on issues like SSR (Interview with peacebuilding funder, 12 July 2017, Yangon). The focus on EAOs stems from the realisation among peacebuilders that the peace process is not a level playing field, and the military has the resource, capacity, and the power, to dominate the process (Interview with Head of a Peacebuilding Consortium, 10 July 2017 (a), Yangon). Civil society groups also confirm that capacity building efforts have been useful in building knowledge bases on different issues such as federalism, decentralisation, and minority rights (Interview with SSR expert, 21 July 2017 (a), Yangon).

Core to the work of peacebuilders has been the focus on civil society. 'Civil society' was a key priority, either as a means of delivery for the liberal peace agenda, where NGOs were funded to undertake programmes under different themes of peacebuilding, or as 'civil society strengthening' itself as a deliverable, to strengthen prospects of peace and democracy (Interview with Head of a Peacebuilding Consortium, 10 July 2017 (a), Yangon). The promotion of civil society by peacebuilders has enabled them to play a key role in the peace process, adopting various roles, including brokering negotiations in some instances. For instance, the Shalom Foundation was instrumental in fostering talks between the military and the KIO (Petrie and South, 2013). In addition, peacebuilders have been crucial to the provision of humanitarian support to Burmese refugees, both in conflict areas at home, as well as across the border in Thailand (Interview with UN representative, July 25 2017, Yangon).

Support from peacebuilders is delivered through diverse channels. These include: bilateral donors; multilateral forums, such as the World Bank and the UN; as well as international and local non-government organisations, such as Asia Foundation, Saferworld, Nyein (Shalom) Foundation, and the Metta Foundation. Two consortiums, the Joint Peace Fund (JPF) and the Peace Support Fund (PSF), funded by miscellaneous peacebuilding supporters, have been prominent donors. The JPF, funded by the governments of the UK, Australia, Canada, Denmark, the European

Union, amongst others, has helped organise dialogue between different groups. It has also supported trainings and meetings, the conduct of research, the promotion of the engagement of young people and women, and the monitoring of ceasefires (Joint Peace Fund, n.d.). Similarly, the PSF works to 'enhance social cohesion in Myanmar by supporting locally driven initiatives'(Paung Sie Facility, n.d.). Further, pooled funds, like the UN's Peacebuilding Fund, have helped to strengthen social services in ethnic areas, and sought to foster collaboration between state and non-state actors. It has also worked with the Tatmadaw on the discharge of child soldiers (United Nations, 2014).

Convergences and Divergences

In this 'co-existence' between peacebuilders and China, a key factor in their convergence is their role as witnesses in the NCA process, as well as their support to peace institutions. China has served as a formal witness to the signing of the NCA, in company with the UN, the EU, Thailand, China, India, and Japan (Institute for Security and Development Policy, 2015). Beyond their coming together to support the NCA, both forms of engagement have had to adapt to the changing context of the transition in Myanmar, and also adapt to the engagement of the 'other'.

The opening up of Myanmar to Western forces eroded the Chinese monopoly, which grew during the years of Western sanctions, thereby increasing a strategic competition for influence from actors, including the US and Japan amongst others(Sun, 2012b). The end of sanctions also opened up competition for Chinese companies, thus changing the terms and scale of trade with China (Sun, 2012b; The Transnational Institute, 2016). The reform period, since 2011, has been accompanied by local protests on large-scale Chinese investment, leading to the cancellation of prominent projects like the $3.6 billion Myitsone Dam project in Kachin state. Added to this were the demonstrations around the Chinese-funded Latpadaung Copper Mine, and Special Economic Zones (SEZ). China has seen these protests as a by-product of the reform process, and of Western engagement in the process (Li and Lye, 2009; Shihong, 2014). In response to the changing landscape in Myanmar, Chinese engagement in the process has followed contradictory impulses. On one hand, it has supported such elite pacts as

the NCA, in order to stabilise its borders, while on the other, due to its anxiety over a possible loss of influence in Myanmar's affairs, it has continued to support armed groups (Kumbun, 2019a; United States Institute of Peace, 2018).

In a similar fashion, while welcomed initially under Thein Sein's government, the acceptance of peacebuilders saw a rapid decline under Suu Kyi's government, which, unlike Thein Sein's quasi-civilian government, did not need international legitimacy (Interview with activist, 16 November 2018, Yangon). It significantly decreased in 2017, in the aftermath of the military's intensified response to the simmering Rohingya crisis. In the same year, there were attacks by the Arakan Rohingya Salvation Army (ARSA), a newly formed Rohingya armed group, with links to foreign extremist groups, on Myanmar's security forces, as well as on Hindu minorities in Rakhine. ARSA's attacks were followed by the Myanmar military's ethnic cleansing campaign, marked by killings, torture, forced starvation, the burning of villages, rape and other sexual violence against the Rohingya population as a whole (Amnesty International, 2018). The wide-spread operation against the Rohingyas by the Tatmadaw, and the silence of Aung Sann Suu Kyi, led to a tirade of condemnation by Western states and organisations, who called for an international investigation by the International Criminal Court (Eisenman, 2018). Given the Western denunciation of Suu Kyi's regime, in the aftermath of the crisis, the role of peacebuilding agents and donors was reduced even further (Interview with Head of a Peacebuilding Consortium, 10 July 2017 (a), Yangon).

The crisis also led to another shift in Myanmar's foreign policy. While the Thein Sein government had sought to wean Myanmar away from Chinese influence, the barrage of Western condemnation led the Suu Kyi government to turn towards China. This was a significant change in direction as, due to Suu Kyi's democratic credentials, her government had been hailed as pro-Western. Beijing in turn has used the opportunity to make up for the thaw in their relations since 2011. China has shielded the Myanmar government at UN forums, thereby gaining popularity, given pervasive anti-Rohingya sentiments in Myanmar (United States Institute of Peace, 2018). China has also offered to mediate in the conflict between Myanmar and Bangladesh (Zhou, 2017).

While engagement in the peace process is new for both China and the peacebuilders, it has been strongly influenced by a larger history, and by Myanmar's geography. Historic and geographic determinants have fostered Chinese dominance, but the perpetual quest among elites in Myanmar to diversify its international engagement beyond China, has led Myanmar to court other regional partners, such as India and ASEAN, even during the period of Western sanctions (Storey, 2011). This quest for autonomy has been succinctly expressed in the long-hailed foreign policy principle of 'neutrality' (Malik, 1998). This autonomy also kept Myanmar afloat: when Western sanctions made it difficult for Myanmar to engage globally, economic transformations in Asia facilitated greater regional and continued political engagement, with countries such as China, India, and Thailand leading the way (Taylor, 1998). It is to the history of the varied trajectories of China's engagement, and that of Western states, that this chapter now turns.

Historical and Geographical Determinants to International Engagement in Myanmar

China's Influence in Myanmar

As a neighbour with 1,357 miles of a shared border, China's priorities in Myanmar include: border stability; access to the Indian Ocean via Myanmar; obtaining alternative routes for the supply of oil and gas; protecting its trade and investment; and finally limiting the role of external powers like the US (Yhome, 2019). The quest for stability is seen to be more urgent, as fighting in Myanmar has not only sent waves of refugees across the border, but has also led to occasional bombings and deaths on the Chinese side. Further, non-traditional security concerns, such as trafficking, diseases, and drugs, have also led China to support such initiatives as the opium substitution programmes, a scheme through which China provides subsidies and tax waivers to Chinese agro-enterprises, to develop viable alternatives to opium cultivation in Northern Myanmar (Su, 2013b). Similarly, alternative access to the sea via Myanmar

is crucial to freeing China from its dependence on the Pacific Ocean for trade. Accordingly, China has invested in infrastructural investments in Myanmar, which would connect Yunnan in China to the Indian ocean through Myanmar (Storey, 2011; Sun, 2012a). Routes to the sea are significant for impoverished landlocked provinces such as Yunnan, especially as concerns over the disparity between China's coastal states, and its inland states, is a major policy occupation in China (Steinberg and Fan, 2012). Additionally, to address the over-dependence on supply from Middle East and Africa, and seek alternative routes to transport oil and gas, China has also invested in critical oil and gas infrastructures in Rakhine State in Myanmar (Jiangtao, 2016). Finally Myanmar serves as an uncontested market for cheap Chinese consumer goods (Rajah, 1998).

All these priorities have resulted in Myanmar being integrated into many of China's internal development strategies. These include, 'Prosper the borders to Enrich Local peoples', of 1999; the 'Go Global' strategy of that same year; and the 'Western Development Strategy', also in 1999 (Steinberg, 2011). With the announcement of the Belt and Road Initiative (BRI), and the China-Myanmar Economic Corridor (CMEC) integral to it, the drive to enhance infrastructure and connectivity has escalated. Road, rail, and pipelines, linking the two countries have been developed, and economic interests furthered by building special economic zones, seaports, and border trade zones (Transnational Institute, 2019).

This increased sense of China's priorities vis-a vis Myanmar, however, works in the context of contested and shifting patterns of historic relations. The trajectory of Sino-Myanmar relations has wavered, from initial years of suspicion to Pauk Phaw (or fraternal) phase from 1955-1966, which saw the border dispute settled. 1967 saw a massive deterioration of relationships, with China's export of the Cultural Revolution to Myanmar, and the resulting anti-China riots in Myanmar. A period of thaw followed from 1971 to 1988, since when their relationship has gradually evolved, albeit not always smoothly (Steinberg and Fan, 2012). A core irritant in the bilateral relationship has been China's role in the multiple insurgencies and threats of war in Myanmar. Historically, Myanmar's territory was used by both the China's People's Liberation

Army, and the Kuomintang (or Chinese Nationalists), to launch their attacks. China's provision of moral and material support to the Communist Party of Burma (CPB) which, until 1989, was in active combat with the Tatmadaw, led to significant distrust (Seekins, 1997; Than, 2003). And while the CPB collapsed, due to an internal mutiny in 1989, and fragmenting into several ethnic fronts, such fronts, as the UWSA, have continued to have strong links with China for access to markets, arms and safe havens (Interview with peace negotiator, 15 November 2018, Yangon). In the more contemporary landscape, EAOs north of the border not only have deep historical and cultural linkages with groups across the Chinese border, but economically have relied on the taxation of imported products, the cross-border trade of raw materials, and Chinese investment in mining, to survive (Smith, 2007). This formal and informal collusion between EAOs and provincial actors in Yunnan, have undermined Myanmar government's attempts at statebuilding on the Sino-Myanmar border, and has scarred bilateral relations (Clapp, 2015; Haacke, 2010).

Despite past resentments, from 1988 onwards, the relationship altered, achieving a measure of interdependence, albeit one beset by Myanmar's heightened dependence on China. The two became closer with the disintegration of the CPB, an historical source of irritation in the relationship, and also through their shared experience of Western sanctions, which occurred after the Tiananmen Square incident in China, and the pro-democracy movement of 1988 (Sutter, 2012b). Further, with the imposition of Western sanctions, Myanmar looked to China for trade and investment. The partial opening up of the Myanmar economy, and the opening of the China- Myanmar border in 1989, also boosted bilateral relations (Seekins, 1997). Formal trading complemented the complex, underground, informal version, which had been flourishing since the days of a closed economy in Myanmar (Chang, 2013). Additionally, the ceasefires, conducted with such Northern-based groups as the UWSA, KIO, MNDAA in the 1990s, consolidated the territorial presence of the state in the North, and facilitated transnational Chinese investments in these areas, often centred on resource exploitation, such as logging, fisheries, and mining (Jones, 2016; Woods, 2011).

Such cumulative changes ensured that, between 1989 and 2008, China emerged as a top investor, with an over 8-fold increase in bilateral trade (Han, 2016). Equally, China was pivotal for defence sales and assistance (Haacke, 2002; Selth, 2001). Myanmar also relied on China's diplomatic support in global forums, especially having become an item on the UN Security Council agenda by the early 2000s. China vetoed against a draft Security Council resolution calling for the Myanmar government to: release all political prisoners, commence dialogue, and end military attacks and human rights abuses against ethnic minorities (United Nations, 2007). To avoid the possible domestic compromises that an overreliance on China would engender, the Myanmar government cultivated, and 'rewarded' Beijing, by consenting to economic and infrastructure projects (Haacke, 2011).

The deeply entrenched nature of Chinese engagement, however, has resulted in multiple unintended consequences. Firstly, its litany of priorities has caused China to foster a dual form of engagement. On one hand, formal and informal networks in China continue to sustain the EAOs, while on the other China protects the army internationally, and economically aids and engages with them, thus strengthening both sides of the conflict. Whether China supports the EAOs in Myanmar, as a conscious strategy crafted in Beijing, or whether it is an unintended consequence of the pluralisation of Chinese foreign policy, is much debated in Myanmar. Notwithstanding any debates, it is a reality (Interview with peace negotiator, 15 November 2018, Yangon). This is also viewed in Myanmar as the product of a highly pluralised foreign policy framework where, until recently, Yunnan controlled engagement with Myanmar (United States Institute of Peace, 2018). Those of a different persuasion have questioned if China can be an honest broker to the peace process in Myanmar (Kumbun, 2019a). This complex and multi-faceted engagement is mirrored in the contrasting views, within China, on relations with Myanmar. One policy faction within China seeks to cooperate with the military government, to realise national unity and bring border stability; the second, favours the existence of EAOs in the North as useful buffers, while the last advocates a 'hands-off' policy in the conflicts (Li and Lye, 2009). The first two views are concurrently deployed in Myanmar, and are a continuation of the Chinese government's prior policy. In 1990, China issued a policy

of not providing political, military and economic support to the EAOs, but allowed the EAOs to be regarded as temporary local authorities, and conduct general business based on the situation on the ground (Li and Lye, 2009).

Relatedly, China-Myanmar engagement has moved beyond the confines of formal political and economic interactions, and has involved private, and often illicit, actors from China operating in Myanmar, and dealing in drugs, logging, wildlife, and jade: all of which fuel the political economy (United States Institute of Peace, 2018). Such investments have had a paradoxical impact on the governance systems in Myanmar's borderlands. On one hand, the scale of Chinese investments, after the ceasefires in the 1990s, have enabled the Tatmadaw to establish itself as the most powerful military, political, and economic actor in Myanmar's border areas (Brenner and Schulman, 2019). On the other hand however, the scale of cross-border aid and trade has ensured that regions commanded by the EAOs, such as the Wa, Mong La, and Kokang regions, are better connected to Yunnan, given the roads and economic activity, than they are to Myanmar itself (Fuller, 2007). For instance, the principal language of many of these Northern regions is Chinese, and trade is conducted using Chinese currency (Clapp, 2015).

Thirdly, closer bilateral relations have led to an increase in Chinese migration, the purchase of real estate, and the establishment of Chinese businesses. However Chinese companies are acquiring a reputation for land grabbing, and also violations of labour rights and environmental degradation (Transnational Institute, 2019). The resulting displacement and instances of abuse of local people has provoked intense anti-Chinese sentiments at a local level (Zin, 2012). In addition, civil society groups, using the space afforded by the reform process, have questioned the environmental standards, financial procedures, as well as the impact on the economic rights of local people, of Chinese investments (Xinbo, 2016). This phenomenon has increased in tandem with the rise of China, and its increased appetite for all possible commodities from Myanmar, such as jade, opium, and timber, and its expanding of the cross border trade matrix in both legal and illegal ways (Myint-U, 2020).

Shifts in Indian Engagement

Along with China, regional neighbours like Thailand and India have also been critical players to the war and peace in Myanmar. With regards to Indian engagement, the 1990s saw a rapid reappraisal of India's long-standing foreign policy vis-à-vis Myanmar. With similar colonial experience and a close relationship between their political elites, India and Myanmar enjoyed a special relationship post-independence. Subsequent decades of isolation under Ne Win inhibited any extended cooperation with India, and even impeded involvement in South Asian regional groupings, such as the SAARC, to which India had invited Myanmar (Bhatia, 2015). In the aftermath of the crackdown on the pro-democracy movement in Myanmar, the Indian government was one of the most vocal opponents of the military junta, providing moral and material support to the pro-democracy activists (Myint-U, 2012). The Indian Embassy in Yangon provided medical aid to protestors, set up special camps in Manipur and Mizoram, as well as sanctioning a special Burmese language programme on the All India Radio channel (Myint-U, 2012). A policy reversal, in 1993, resulted in India being back in partnership with the military, although a large number of Indian civil society activists, as well as political leaders, remained sympathetic to the cause of democracy in Myanmar. Several factors, account for this shift. The realisation in India that the former policy had failed, and the military was there to stay, dominated Indian policy circles (Saran, 2011). Further, India's own insurgency movements across its Northeastern frontiers, with some rebel groups using Myanmar territory as a base, required military support from Myanmar. In addition, India's economic liberalisation, and the 'Look East' policy, which sought to enhance economic ties with Southeast Asia through Myanmar, as the only ASEAN country whose land borders with India, fuelled its re-engagement (Graham, 2012; Haacke, 2006). Factors such as gaining access to Myanmar's gas fields, and containing the growing Chinese influence in Myanmar, increased the momentum to establish connections again (Haacke, 2006). Today, Indian trade, investment, and military aid have been on the rise, with agreements on infrastructure, energy, banking, the establishment of Industrial Training Centres, and the conservation of heritage sites, in addition to those on developing land borders crossings (Ministry of External Affairs, India, 2018b).

Legacy of Western Engagement

During the Cold War in the 1960s and 1970s, despite the junta's 'trampling' of democracy, Washington provided training to the Tatmadaw, and welcomed the generals to the US, while China denounced the military as 'fascists,' and sponsored a Communist insurgency in Myanmar (Myint-U, 2012). The trend reversed in the 1990s with the rise of the liberal world order, endorsing the values of democracy and human rights (Liddell, 2001).

The movement for democracy in Myanmar in 1988 coincided with this period, giving the democratic movement, and the NLD, an immediate global salience and international legitimacy (Taylor, 1998). When the military did not transfer power to the NLD in 1990, Western states, including the US, the EU, and Canada, imposed a range of sanctions. These included, import bans, visa bans, the withholding of US contributions to international agencies working on Myanmar, a ban on the sale, or transfer, of arms, and finally suspension of all bilateral aid, other than humanitarian assistance (Martin, 2012). The sanctions were so focused on penalising the military regime, that the needs of the millions of Burmese, who would have benefitted from the development of the country's industrial capacity, were simply ignored (Farrelly, 2009). Action by Western states was complemented by campaign groups and NGOs, often supported by exiled Burmese students living abroad, who urged their governments to demand accountability in Myanmar (Dosch and Sidhu, 2015). Many governments and campaign groups in the West adopted a two-pronged strategy: maintaining economic sanctions against the military government inside Myanmar, while providing humanitarian funds for refugees, as well as support for democratisation outside the country (Smith, 2007). Due to sanctions, aid from the West was very little and totally insufficient for Myanmar's vast humanitarian needs (Myint, 2006). Further Western pressure inhibited multilateral lending, and aid agencies from catering to Myanmar's developmental needs (Than, 2003).

In this process of limited Western engagement, the UN continued to engage, albeit with a parochial mandate through experts and Special Rapporteurs. It worked on three broad agendas: a return to democracy; the reintegration of ethnic minorities into the

political life of Myanmar; and human rights and humanitarian issues (Magnusson and Pedersen, 2012). With little success at mediating between the NLD and the military, and the overwhelming negative press and public perception, it failed to demonstrate its real commitment (Magnusson and Pedersen, 2012).

The sanctions by the West and the limited engagement of the UN had little effect. The Tatmadaw saw any Western support focused on democratisation and national reconciliation, as 'anti-state' and viewed EAOs and the opposition as 'anti-national' (Steinberg, 2016; Taylor, 1998). More normatively, the Western stance on democracy and human rights, consolidated the international and internal legitimacy of the opposition, while eroding the military's, deepening the junta's siege mentality and its hostility towards pro-democracy opposition (Pedersen, 2006). Further, the net effect of sanctions on the Tatmadaw was largely limited (Farrelly, 2009). Transnational business networks with China, as well as engagement with countries like Israel, Pakistan, Singapore, including that regarding defence sales and assistance, ensured that even the most targeted sanctions had little effect (Egreteau, 2015; Selth, 2000). The preoccupation with democracy also meant that it took Western countries a decade to factor in the ethnic insurgencies, and recognise the diverse opposition to the military regime, and call for a tripartite dialogue between the NLD, the Tatmadaw and the EAOs (Egreteau and Jagan, 2013; Reynolds et al., 2001).

Having earlier 'outsourced their policy to Aung San Suu Kyi'(Bhatia, 2015, Pg 40), it was only in early 2011, after the 2010 reforms, that countries such as the US, revisited the sanctions policy. The US initiated a two- track policy: engagement, with dialogue alongside sanctions (Kipgen, 2013). Similar patterns can be seen in Myanmar relations with other states and groupings, such as the EU, where sanctions were gradually moderated, and then terminated after 2011 (Bunte and Portela, 2012).

Conclusion

Myanmar's peace process has for the first time in history facilitated a discussion on issues of exclusion, and the reform of the security sector, and while it did not define it

as transitional justice, it did introduce some discussion on human rights and accountability. However, 10 years into the process, discussions on such critical agendas as federalism and SSR are still in their infancy. The pattern of its 'top-down' transition, and the links between the twin transitions of democratisation and peace, has impacted upon the pace of this transition. Within this transition, the role of Chinese engagement and that of liberal peacebuilders has been pertinent, not only for the peace process, but also for Myanmar's foreign policy options. This chapter has outlined the contours of these discussions. It has also called for recognition of the historical and geographical determinants to international engagement in the peace process.

Chapter 6: International Engagement in Peacebuilding: Dynamics and Impact on Political Settlements in Myanmar

Building on the insights from Chapter 5, this chapter empirically examines the three research questions this thesis seeks to answer, in relation to the case of Myanmar. Given the limited role of India in the Myanmar peace process, the focus is on China. The first section explores China's role in the peacebuilding arena, namely how it engages in the peace process, and specifically on the issue-arenas of inclusion, SSR, and transitional justice. The second section looks at the interaction and impact of Chinese engagement on liberal peacebuilding projects. The final section sketches how these plural forms of international engagement have influenced the political settlements in Myanmar.

China in the Peacebuilding arena

China's absence from any discussion on the institutional design of inclusion, and its various pathways, is significant. It has also failed to give due consideration to the different modalities of SSR, and to concerns about human rights, or transitional justice. As mentioned in the previous chapter, China's role has been pragmatic, centred on forging elite pacts, and when it suits Chinese interests. However, while absent from normative and institutional debates, China's broader engagement outside the peace process has impacted the three issue-arenas.

Locating China's Role in the Debate on Inclusion

China has supported the inclusion of all EAOs in the dialogue process, and facilitated their participation in peace negotiations. Chinese authorities have argued that the inclusion of all EAOs in the dialogue process, with no party left out, especially non-signatory EAOs, is critical to the success of the transition (Liang, 2017). However, its

commitment to inclusion is limited to the participation in the dialogue process, in an attempt to forge an elite pact between the government and the EAOs. China has not contributed to the debate on inclusion through such powersharing mechanisms as federalism: a dominant theme in the peace process discussions. Despite Chinese ambivalence on shaping the federalism debate, its broader engagement in the wider political economy has had a salient impact.

Firstly, China's ambivalence on the political dialogue process, and its inconsistent position on the NCA, has impacted the discussion on federalism. While China has been vested in the NCA process, it has been ambivalent about the ensuing political dialogue process, which would have discussed such issues as federalism. China's role in the NCA process has been indeed paradoxical. Although China clearly played a crucial role in ensuring the attendance of different groups of EAOs based in the North in the NCA process, often despite their initial hesitancy. In other instance, in 2015, China is said to have covertly dissuaded groups, like the UWSA and the KIO, from signing the NCA (Slodkowski, 2015). This is seen to stem from China's decision to penalise the Thein Sein regime for their cancelling of such Chinese investments as the Myitsone dam project, so that the regime would not be accorded credit for any success in the peace process. A further reason, it is said, lay in its not wanting to surrender its dominance in the peace process, gained through its leverage on Northern EAOs. This was particularly the case after 2011, when China faced strategic competition from American and Japanese engagement in the peace process (Lintner, 2014; Myoe, 2015; Myint-U, 2016).This paradoxical position on the NCA inhibited the progress of the peace process from its first stage, of signing the NCA, to the second, where political dialogue on such issues as federalism would take place.

More pragmatically, its often contradictory stance emerges from Beijing's recognition that it needs both the EAOs, who command territories in the borderlands, and the government, to serve its interests, especially as the political dialogue is still ongoing, and no one party has emerged strong enough to command the entire territory of Myanmar. China, thus, is likely to advocate stability, which is in its interests, rather than a comprehensive peace, which would significantly reduce its predominance in

Myanmar (United States Institute of Peace, 2018). Not surprisingly, China's focus has been on stability in the border areas, rather than a comprehensive dialogue, thus endangering such critical agenda as federalism (Interview with researcher, 13 July 2017 (a), Yangon). This approach of 'signing the NCA but not engaging on the political dialogue process' differs from the major demands of EAOs, who have demanded a comprehensive political dialogue and not a mere ceasefire (Interview with civil society representative, 20 July 2017 (a), Yangon).

It needs to be iterated that Beijing's influence on EAOs is uneven, and some scholars attest that its impact on political settlement is often overstated (Interview with researcher, 23 November 2018, Yangon). Some EAOs, such as the KIO, have found Chinese dominance in the talks overbearing, despite their close association (Han, 2017). Further the attacks by some rebel groups, affiliated to the FPNCC, and supported by the China-backed UWSA, in August 2019, call into question Chinese influence on the EAOs (Zaw, 2019a). As can be seen China certainly has the power to encourage EAOs to attend the peace talks, but perhaps not to influence the dialogue that determines the political settlement entirely (Interview with researcher, 23 November 2018, Yangon).

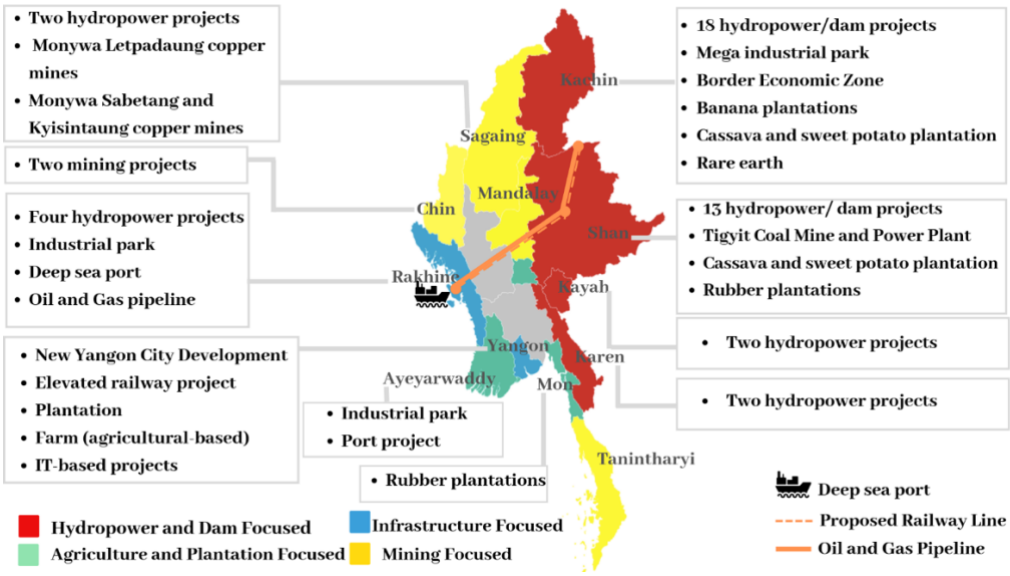
The second critical factor influencing the discussion of federalism is the scale of Chinese investment in various sectors including extractive industries, agriculture and plantations, and its infrastructure, which has impacted upon existing agreements between the EAOs and the government. Here, it is important to remember that equitable resource sharing, between ethnic states and the Centre, is one of the most salient issues within the debate on federalism. Much Chinese investment passes through contested areas, which may have ongoing fighting, or be governed by EAOs, or may be under interim arrangements (in the case of areas with a ceasefire). In this context, investment intersects with, and alters, the discussion on equitable resource sharing in at least three ways.

In the first place, since Chinese investments have preceded agreements on federalism in the peace process, by the time any agreement is confirmed EAOs are likely to have

lost ownership, control and management of crucial natural resources (Interview with think-tank representative, 15 November, 2018, Yangon). Discussions on equitable distribution of natural resources are still ongoing, and so far the principles, agreed for the Union Accord, do not contain clauses on natural resources management. Investments, therefore, are currently guided by clauses in the 2008 Constitution, and by the Constitutional amendments of 2015. This latter legislation made nascent attempts to devolve the responsibility for natural resource management, by giving the rights for licensing and revenue collection, from artisanal and small-scale extractive industries, to the regions and states (Bauer et al., 2018). However these are seen to be inadequate to the demands for greater control of natural resources (Bauer et al., 2018).

Given all of the above, the current discussions on resource sharing seem futile. Fears of an impasse have also led civil society to demand that all large-scale development projects in ethnic states and border regions should be suspended, until the political dialogue has advanced and a sustainable peace is negotiated (Pyidaungsu Institute, 2017).

Figure 7: Distribution of Chinese investment projects across various regions and states (Source: The Irrawaddy, 2019)



Beyond the EAOs' loss of ownership of natural resources, such investments also erode trust in political dialogue on federalism, and even contravene the commitment in the NCA. As shown in Figure 7, conflict-affected areas, such as Kachin and Shan states, continue to host extensive Chinese investments, including those embedded within the Belt and Road Initiative (BRI) and the China Myanmar Economic Corridor (CMEC) (Lwin, 2019a). Despite their prevalence in ethnic regions, Chinese investments such as these are formally agreed with Myanmar's government, mostly with companies linked to the Tatmadaw. Bypassing the EAOs' established decision-making system, has angered them (Donowitz, 2018; South et al., 2018). Such patterns of investments have also led to local frustration about the peace process, and the absence of peace dividends on the ground. Historically investments like these have been conducted in partnership with companies who have military links, militias in the borderlands, and ethnic armed groups. While they have benefited all sorts of elite groups, they have left the local population poor, often dispossessed of their land, and having to combat the effects of environmentally unsustainable investments (Hammond et al., 2019; Woods and Kramer, 2012). For instance, China's development assistance on drug eradication, through subsidies to Chinese agro-enterprises to invest in opium substitution agricultural schemes in Northern Myanmar, has altered patterns of land ownership, and livelihoods, in Myanmar's borderlands (Su, 2013b). These subsidies have allowed Chinese businessmen to acquire tracts of land, and to convert them into private agricultural estates, all of which has had little impact on drug eradication, but has allowed the state to profit, to the detriment of the local people and the EAOs (Woods, 2018). Further, some investment schemes have overlooked the cultural significance for local ethnic people. The Myitsone dam area, the planned site of the now-cancelled Myitsone dam, is the source of the Irrawaddy River and is seen as the birthplace of the Kachin people. Its construction would not only have had a disastrous environmental impact, but it would also have shown that the government could disregard the cultural symbol of the Kachin people (Zaw, 2019b).

Chinese investments like these, which often lacked the necessary environmental safeguards, and assessment of the possible impact on local livelihoods, also contravene the ethos of the NCA. For the NCA commits to 'avoid forcible confiscation and

transfer of land from local populations', 'environmental conservation', and 'consultation with local people on planning of projects in accordance with the Extractive Industries Transparency Initiative' (Bell et al., 2017), and clearly the modalities of Chinese investments do not meet these commitments.

Yet another impact of such investments, usually deployed under the guise of 'development', has been increased violence, and the militarisation of ethnic areas. In a bid to protect the areas where there are investments, armed troops are tasked with their security. Such actions have inhibited trust, with many EAOs and ethnic nationalities concluding that the military is using the peace process to consolidate its hold on areas with abundant natural resources, and expanding its control (Woods, 2011). For instance, the KIO asserts that the most significant offensive by the Tatmadaw in 2018 occurred in areas where BRI-CMEC initiatives were being undertaken (Bu, 2018). The KIO further stresses that the primary motive for this is to secure areas hosting Chinese investments (Bu, 2018).

China, in contrast to the views held by many ethnic groups, views 'developmental projects' and economic incentives as a means of leading rebel groups to forgo their arms, pacify the borders, and 'bring' peace. Top sources within the peace process cite the views of Chinese officials, who are confident that Myanmar will be more peaceful after being a part of the BRI (Interview with JMC representative. 13 November, 2018, November). CMEC is designated as a vehicle to provide opportunities for EAOs to partake in developmental activities, thus weaning them away from violence. In this reading, considerations about the exclusion of ethnic nationalities, which have been at the heart of the conflict, are overlooked and an 'apolitical' form of development is advanced as a panacea.

Finally, in addition to its ambivalence on the political dialogue on federalism, and its history of investment, China has also been an indirect inspiration for institutional design on federalism, alongside India. Rather than only being limited to such examples of federalism as the Canadian and Swiss models, which have been dominant in peacebuilding discourses, China's autonomous states and India's federalism have been

seen, by different groups, as sources of influence. Groups, such as the Wa, have advocated for an autonomous state, resembling that of China (Interview with think-tank representative, 15 November, 2018, Yangon). Similarly, as Kin-minorities, the Kachin people have looked to China's use of the minority Jinghpo language, in Dehong Dai and Jinpo Autonomous Prefecture, as a model for the promotion of minority culture (Han, 2016). It should be noted that some Western peacebuilding organisations have even organised visits of the EAOs, who are NCA signatories, to study India's federal design (Interview with NGO representative, 12 November 2018, Yangon).

China's ambivalence towards federalism stands in contrast to its approach in Nepal, where it had an explicit anti-federal preference. Chinese ambivalence can be read through the prism of its pragmatic foreign policy engagement. Historically, China's engagement, as mentioned in the preceding chapter, has been twin-fold. It has simultaneously dealt with such EAOs, as the Wa and the Kachin, in the periphery or the Northern borderlands, as well as with the military government in Yangon/ Naypyidaw at the centre (Li and Lye, 2009). So for all practical purposes, China was and is already dealing with a federal type system, which has served its interests well. Thus, having built relationships with both factions, China sees no threat in debating federalism, nor does it view itself as having a stake in such debates. Further, this two-pronged approach, of having a hold on the military as well as the EAOs, has also allowed China to be indispensable to the discussions on the political settlement.

Locating Chinese Engagement on SSR

Unlike peacebuilders, who have created the space for, and supported, the dialogue process to discuss different frameworks for SSR and DDR, China has not openly engaged on any SSR specific discussion, or put forward any preference. However, China's entrenched engagement with both the Tatmadaw and EAOs, especially in the Northern borderlands, has a monumental impact on the debate on SSR.

Firstly, China's continued arms sales, trainings, and joint exercises, have enabled the

Tatmadaw to become a more professional force, and thus emerge more coherent and politically stronger, in comparison to the EAOs. As table 7 shows, China, Russia, and India, despite Western arms embargoes, have continued to export arms and equipment to the Tatmadaw between 2011and 2017 (SIPRI, n.d.). The table also points to the asymmetry in levels of defence engagement, between China and the rest of the world. The transfer of arms has included a vast array of weapons, including: aircraft, air defence systems, armoured vehicles, artillery, engines, missiles, naval weapons, sensors, and ships.

Table 7: International arms transfers to Myanmar since the peace process (Source: SIPRI Arms Transfers Database)

Trend-indicator value (TIV) of arms exports to Myanmar, 2011-2018[4] expressed in millions									
	2011	2012	2013	2014	2015	2016	2017	2018	Total
Belarus					6	51			57
Belgium						0			0
China	277	254	190	64	184	169	8	105	1250
France				8	8				16
Germany					4	4			8
India			6		27	12		3	48
Israel	1						11	11	22
Netherlands							18		18
Russia	380	144	55	28	12		60	73	753
Ukraine	7				4				11
Unknown supplier(s)	1				4	1			6
Total	667	398	251	100	248	237	96	192	2188

The series of defence deals have strengthened the capacity of the Tatmadaw to become more politically important in the conflict dynamics on the ground, at a time when

[4] SIPRI has developed a unique system to measure the volume of international transfers of major conventional weapons using a common unit, the TIV

discussions on SSR, as well as the Constitutional amendment process, have sought to limit the political role of the military (Myint, 2020). The cooperation on defence, with countries like China, also comes in a context where the military budget exceeds that for health, education and welfare combined, and the Tatmadaw continues to dominate the political architecture, inhibiting all prospects of democracy (Nakanishi, 2013). Through an increasing number of defence deals, China and India have contributed to Tatmadaw's strengthening of itself (The Irrawaddy, 2018).

Secondly, with the Rakhine Crisis, when the condemnation by Western countries escalated after 2017, calling for such measure as visa bans and arms embargoes, regional governments in India and China continued to roll out the red carpet, thus according the Tatmadaw continued regional legitimacy. Perhaps unsurprisingly therefore, at a time when the US was considering sanctions, and peacebuilders were discussing taking the Myanmar case to the International Criminal Court, Tatmadaw signed a memorandum of understanding (MOU) on defence cooperation, with the Ministry of Defence in India, which sought to strengthen maritime security, medical cooperation, and jointly develop new infrastructures (Lwin, 2019b). China too not only accorded the Tatmadaw Chief Commander a guard-of-honour welcome, but also called for a strengthening of the China-Myanmar comprehensive strategic partnership (Xinhua, 2019). Regional legitimacy has not only helped balance the ostracisation by peacebuilding organisations, and the Western states in general, but also hedge on the peacebuilding community's calls for accountability, on the violence in Rakhine. Not surprisingly, the Tatmadaw has thanked China 'for its correct stance and standing against the international community over the Rakhine state issue' (Tiezzi, 2019).

By strengthening and conferring legitimacy to the Tatmadaw, China's engagement in Myanmar is seen to have strengthened such state institutions as the military, and thus reinforced the centrality of state, an often cited argument on Chinese foreign policy (Alden and Large, 2015). However, the case of Myanmar also points to a selective use of this state-centric approach. China's covert engagement, through formal and informal channels with EAOs in the Northern borderlands, contradicts its reputation of state-centric engagement.

China is seen to have 'hedged its bets', by not only supporting the Tatmadaw by military means, but also endorsing different armed groups, such as the UWSA, who control territories in Northern Myanmar. The UWSA has acquired sophisticated arms and machinery, including air defence systems, and manufacturing hubs for rifles, from China (Haacke, 2011). While the Tatmadaw has not been in active combat with the UWSA since the ceasefire in 1989, the military support provided by UWSA to other EAOs, such as the Arakan Army (AA), has led the arms race against the state to spiral.

China has refuted reports of its selling weapons to the UWSA, citing that it has consistently, and strictly, adhered to 'military equipment export policy that benefits the recipient country's present defence needs, does not harm regional or world peace, security and stability, and that does not interfere in the internal affairs of the recipient country' (Boehler, 2013a). However, credible evidence suggest that the UWSA bought military trucks and light weapons from China, in addition to it having supplied other ethnic militias in Shan and Kachin states with the same armaments (Slodkowski and Lee, 2016). Quite apart from the UWSA, other EAOs too have continued to rely on China, not only for weapons, but for their very existence, through networks of cross-border trade, rations, medical care, and even safe havens (Interview with peace negotiator, 15 November 2018, Yangon).

Such accusations have brought the focus on Beijing's policy being undercut by formal and informal actors in Yunnan, who have compromised broader Chinese interests, especially in the context of the recently announced BRI, and have led China to revisit its Myanmar policy. It is believed to have led Beijing to tighten the control of its foreign policy, rather than delegate it to Yunnan (United States Institute of Peace, 2018). However, given the fluidity of boundaries, as well as the pluralisation of foreign policy actors in China, private actors, both within and outside official channels, have continued to contribute to the conflict through arms exports, as well as mercenary services (Chenyang and Char, 2016; Slodkowski and Lee, 2016).

Crucially, the diverse aims of China's foreign policy complicate any genuine dialogue on SSR. China needs stability for its economic investments, and for border affairs. Consequently, any form of DDR exercise that could unite EAOs, and heal a fragmented political landscape, would help this endeavour. However, as any settlement of the conflict remains a distant hope for now, and EAOs continue to command large swathes of Northern borders, this very quest for stability demands a two-tiered engagement, both with the EAOs and with the military, in order to protect its interests, thus inhibiting any momentum for SSR. This contrasting form of engagement, where China, 'plays with fire on one hand, and water on the other' leads, to Myanmar taking one step forward in the debate on SSR and DDR, and two steps back (Interview with researcher, 23 November 2018, Yangon).

Constraining International Mandate on Transitional Justice

China has been largely silent on domestic debates and endeavours on human rights and accountability in Myanmar, but yet has had a significant impact in the international undertaking on the issue. Firstly, by funding all sides of the conflict, it has given all parties the means of violence, thereby contributing to the escalation of human rights violations. Further, through the enormity of its investments, in sectors like plantations, it has contributed to the large-scale dispossession of local people, and aggravated their human rights situation (Woods and Kramer, 2012).

China's most critical role however has been in blocking the possibility of any international body being able to elicit a commitment to accountability from the Tatmadaw. Even before the peace process, China shielded the Tatmadaw through vetoes at the UN. When Myanmar was called out for its human rights abuses, China's defended the issue as an 'internal affair' of Myanmar (United Nations, 2007). Similarly, in August 2012, UN Special Rapporteur Quintana called for the establishment of a truth commission, to investigate Myanmar's human rights abuses as it undergoes political and economic reform. However, when the United States, and many other countries, backed the creation of a UN inquiry into Myanmar's violations of human rights, the regional powers of China and India questioned and then vetoed

the move, citing it as counterproductive (Tan, 2012).

China's shielding of the Tatmadaw from international attention continued in the aftermath of the Rakhine crisis. China's statements at the UN, on the various discussions on Rakhine, are indicative of its engagement issues on transitional justice. In 2017, at the Security Council, in the discussion on Myanmar's response to the Rakhine crisis, the Chinese Ambassador expressed condemnation of the violent attacks by the Arakan Rohingya Salvation Army (ASRA), and noted China's 'support for Myanmar's efforts to maintain stability' (Haitao, 2017). Further, it attributed 'poverty' to be the source of turmoil, and called the international community to view 'the difficulties and challenges facing the Government of Myanmar objectively, remain patient and provide support and help' (Haitao, 2017). In 2018, when the Security Council met to hear from the independent international fact-finding mission on Myanmar, established by the Human Rights Council, China was firstly opposed to the meeting itself, on the grounds that it was outside the mandate of the Security Council. Here, Ambassador Ma Zhaoxu remarked to the Security Council, 'The primary responsibility of the Security Council is to maintain international peace and security. It should not get involved with country specific human rights issues' (Zhaoxu, 2018). Through its statements, it has sought to prevent the internationalisation of the scale of human rights violations in Myanmar, as well as to deflect attention from the military's abuses, in order to frame it as an issue of 'poverty'.

India has been in broad agreement with China on the Rakhine issue. India, too, has highlighted the terrorist attack by the ARSA, while choosing to ignore the military's large-scale human rights violations. India's focus on the ARSA is seen to derive from its close links to international terrorist networks, such as Pakistan's Lashkar-e-Taiba, which New Delhi holds responsible for the 2008 terror attacks on Mumbai. By focusing on these issues, India has obscured the excessive force in the Tatmadaw's actions (Bhaumik, 2017).

The Indian and Chinese approaches, while distinct to those of the peacebuilders, as regards the Rakhine crisis, are not too different on the broader issue of accountability

for a legacy of past violence, through transitional justice mechanisms. In Myanmar, peacebuilders find themselves, and their level of investment in the peace process, to be too marginal to exert any influence for promoting such a contentious agenda as transitional justice, which directly implicates the military. Interviews with peacebuilders revealed that discussions on transitional justice are 'a non-starter' in Myanmar (Interviews, July 2017, November 2018, Yangon). On the domestic front, Myanmar representatives of peace institutions are aware of the shortcomings of the transitional justice regime, and its poor rate of success internationally. They cite the dismal performance of transitional justice internationally, as being the reason why there is no desire to pursue it domestically (Interview with peace negotiator, 15 November 2018, Yangon).

Patterns of Interaction with Liberal Peacebuilding Projects: Differences in Modalities of Support

China has united with peacebuilders in encouraging groups to sign the NCA, and in the joint funding of some peace institutions. However, their respective approaches have been distinct, apart from in these select areas. There are differences in modalities of engagement, as well as in the strength of their support in the process. The very modalities of Chinese engagement leave little space for any convergence with peacebuilders, and rather create spaces for active contestation, which are discussed in the section below.

No Prescriptions versus Prescriptive Norms and Institutions

A distinctive aspect of Chinese engagement has been the absence of details, conditionality, and prescriptions attached to its support. Despite its unwarranted influence and unparalleled position in the mediation and facilitation process, between EAOs and the government, China's only concern has been to bring parties to the table and then let them do the talking (Interview with JMC representative, 13 November 2018, Yangon). It wants some form of stability in the border areas, and has encouraged groups to come to the table to agree on a ceasefire, namely the NCA, however it does

not specify anything beyond this. As a senior mediator in the peace process remarked, 'China does not specify any detail on issues, they encourage all parties to sign the ceasefire, facilitate travel but do not propose solutions' (Interview with JMC representative, 13 November 2018, Yangon). He further added, 'China does not get involved in everyday aspects of the peace process'. China has largely refrained from prescribing on 'how to do things'.

This contrasts with a solution-based normative approach, adopted by liberal peacebuilders, which supports embedding international law, and good global practice to different elements of the peace process. This template-based, prescriptive approach is deployed in the form of technical assistance on policies, and the design of institutions. Peacebuilders have advised on normative content in the NCA. Guided by the norm of inclusion as a pathway for stability, peacebuilders have supported training and workshops on federalism; supported the publication of policy briefs, and reports, to discuss issues such as human rights, and minority rights; in addition to assisting civil society organisations to discuss issues related to the peace process (Interview with NGO representative, 12 November, 2018, Yangon). Peacebuilders have also advocated for the government to sign different international accords and legal instruments, such as the Anti-Personnel Mine Ban Convention, or Ottawa Convention (Interview with peacebuilding funder, 12 July 2017, Yangon). Donors, such as the EU, have also focused on strengthening such institutions as the Myanmar Peace Centre (MPC), which coordinated different aspects of the peace process, alongside building the capacity of such institutions as the Election Commission (NORAD, n.d).

In addition, peacebuilders have relied on liberal norms to endorse, or delegitimise, developments in the peace process. For instance, in the aftermath of the crisis in Rakhine, the UN, the Inter-Parliamentary Union, and some NGOs, pressed for 'amending citizenship law, and granting more human rights concessions' (Interview with Member of Parliament, 18 November 2018, Yangon). Further, in their support for interim arrangements governing ceasefire areas, there have been calls by peacebuilding actors, to merge the government system with that of EAOs on issues of health and education (South et al., 2018). Calls have also been made to link the

decentralisation agenda being discussed in the Parliament, to the federalism agenda being discussed in the peace process, to ensure greater gains for the latter (Interview with researcher, 21 November 2018 (c), Yangon). Peacebuilders are also said to have severely restricted the scope of their engagement, in the aftermath of the Rakhine crisis, given their normative consideration of human rights violations (Interview with political analyst, 20 July 2017 (b), Yangon).

Contrastingly, China has not condemned, or critiqued, the Myanmar government's decision on specifics of the peace process. Comparing the two approaches, a senior mediator in the process remarked, 'when the Chinese give money, they don't ask for receipt or want to see the money again. When the Westers states give a dime, they want a range of normative commitments to be added, ranging from minority rights, to gender norms like Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)' (Interview with JMC representative, 13 November 2018, Yangon). The absence of prescription is also related to China wanting to appear distinct. In discussing the non-prescriptive nature of Chinese assistance, the Chinese Ambassador to Myanmar, noted, 'China's financial aid would be very different from the aid offered by other states. There will be no strings attached for the aid-political or otherwise' (Soe, 2017).

Prioritisation of Conflict Actors and State Institutions

Chinese engagement, unlike the multi-faceted engagement of peacebuilders, is focused on formal and informal engagement with EAOs in the North, and the Government at the Centre. So, apart from its engagement with Northern EAOs, China concentrates on dealing with state representatives and government directly (Interview with peace negotiator, 15 November 2018, Yangon). Even amongst the EAOs, Chinese engagement is largely uneven and divided, with stronger interactions with EAOs across the Northern border, and limited interactions with EAOs in other parts of the country (Interview with researcher, 23 November 2018, Yangon). The government-centred approach of Chinese engagement is said to make it more formal, in contrast to its dense webs of formal and informal relations outside the confines of the peace

process. In its formalised approach, centred on conflict actors and the government, it is symbolic that the Chinese embassy is based in Naypyidaw, the new capital of Myanmar, while all other Western embassies and organisations continue to be based in Yangon.[5] Though there have been efforts to diversify its engagement, across civil society organisations (CSOs), opposition groups, and the media (Li and Lye, 2009c), it has not yet percolated to the domain of the peace process.

Unlike China, whose funding has been limited to governmental peace institutions, such as the JMC and the NRPC; liberal peacebuilders have relied on layers of intermediaries, ranging from bilateral aid agencies and multilateral channels, to international and local NGOs in the country. Apart from its relations with EAOs, China's engagement is through formal governmental routes. In contrast, peacebuilders have been categorically opposed to disbursing aid through government channels, in light of the undemocratic nature of its governance. A DFID review noted, 'None of our aid will be provided directly through central government, instead through United Nations organisations, trusted international and local NGOs' (DFID, 2015). The expanded and dispersed matrix of liberal peacebuilding agents, ranging from donors and international NGOs to political foundations, have been able to engage with and build the critical mass for peace in Myanmar, including exiles who have studied abroad and returned, and the educated citizens in urban areas. Further, given the priority of peacebuilders on 'civil society as a key pillar of development and peace building programs', they have been able to engage, fund, and support civil society groups across the country, and at various levels (Paung Sie Facility, 2018, Pg. 69).

[5] In 2005, the military government decided to suddenly move the capital from Yangon to Naypyidaw leaving observers to debate the rationale for the move. Large numbers of Western embassies, and organisations were based in Yangon during my fieldwork, though the NLD government has been actively encouraging foreign embassies and multilateral bodies to shift to Naypidaw.

Pragmatic and Evolving versus Rigid and Template-based Approach

The nature of Chinese engagement has been pragmatic: designed to address its core interests in the changing context of Myanmar. This sense of pragmatism has also ensured that Chinese engagement has evolved and fluctuated.

China's approach has been so pragmatic that, as Sinologists in Myanmar point out, before the breakdown of the ceasefires in the Northern areas in late 2000s, leading to conflict spilling over the border, China was not interested in the war or in attempts to make peace in Myanmar (Interview with researcher, 23 November 2018, Yangon). Interest in the war, and the need for some form of peace, only came to China's attention when its own stability was at stake. China itself has linked the centrality of the peace process to its own stability. A Chinese Ambassador in Myanmar remarked, 'Peace process is not just a grave concern of Myanmar but also a grave concern of China, because in the past years, China suffered a lot from the conflicts in the northern part of Myanmar…When the conflicts broke out bullets and shells flew from the Myanmar side to the Chinese side on many occasions. Many Chinese lost their lives or were injured. We are very concerned about that.' (Liang, 2017). Further, the engagement in the peace process is said to have only intensified after the reform period in 2011 (Interview with researchers, 23 November 2018; 13 July 2017(a), Yangon). This is attributed to China's preoccupation with a possible loss of dominance in Myanmar, given the latter's rapid engagement with the West, and its opening its doors to a multitude of peacebuilders. It is also seen to stem from the period, when a large number of substantial Chinese investments, thought to be central to China's foreign policy, such as the BRI-CMEC, made forays into Myanmar (Interview with researchers, 23 November 2018; 13 July 2017(a), Yangon).

China's pragmatic approach is also evident in the changes it has introduced to engage better in the rapidly changing context of Myanmar. Aware of the loss of monopoly in Myanmar, post 2011, China has sought to strengthen its engagement. China nominated a senior diplomat as its Asian Affairs representative, in addition to encouraging direct communication with local populations, as testified by the Chinese Embassy in Myanmar opening a Facebook account, in a move to address the criticism that its

engagement has focused on the military (Chenyang and Char, 2016; Lu and Jin, 2016). To combat the backlash against Chinese investment projects, it has promoted drafting 'environmental' standards guidelines for outward investing companies, and made it a requirement that Chinese enterprises in Myanmar must have been approved by the relevant provincial or city commercial department (Chenyang & Char, 2016). Additionally, it has strengthened relations with Myanmar's opposition, and reached out to civil society groups (Chenyang & Char, 2016). This diversification of relations with other actors is seen to be a necessity, at a time when political power has devolved away from the military, but a political settlement remains far. Similarly, there have been frank appraisals about local backlashes against Chinese investments in the past, as the former Chinese ambassador Yang Houlan to Myanmar admitted, 'We are not so experienced on how to communicate with local people, how to make more feasibility studies on the environment and issues connected with local peoples' welfare'. He further added that Chinese firms could learn from how Western companies approach foreign investment (Mclaughin, 2013). Such pragmatism, and the readiness to re-strategise in the face of failure, is also noted in the peace process, where China, despite its democratic inclination, has engaged with the Aung San Suu Kyi government post 2015, with the same enthusiasm as it did with the Tatmadaw-led governments until 2010.

Liberal peacebuilding, in contrast, seems to be unable to adapt, or take alternative forms of doing things into account, and continues with a standardised ' IKEA flat-pack- like' type of peace design, with the same projects and components despite differences in contexts (Mac Ginty, 2008). Similar modes of support are evident in Nepal and Myanmar, albeit in varying intensity, despite the difference in contexts. This mode of support has relied on the familiar staples of: technical and financial assistance; the endorsement and legitimisation of particular policies; support to interim structures; the improvement of knowledge bases on the issues; and finally building normative space to discuss issues that fit within the 'liberal' way of doing things (Interviews, July 2017; November 2018, Yangon). While peacebuilders do acknowledge the unique context of Myanmar, the level of innovation and pragmatism that this 'contextual' challenge requires is lacking.

Further, strong ideological positions on issues and actors inhibit a pragmatic undertaking, which is a pre-requisite for tailored and contextual support to the peace processes. For instance, peacebuilders wearing their democracy and human rights 'hat', found it difficult to engage with the military, especially in light of the Rakhine crisis. However, the top-down nature of the transition in Myanmar demands the military to be engaged, and necessitates that 'outdated preconceptions, particularly about the military, have to be abandoned'(Oo, 2015). Not surprisingly, despite their distrust of the Tatmadaw, in general the peace process in Myanmar flourished, during the tenure of Thein Sein's quasi-military government, while is said to in 'hibernation' during the tenure of that of Suu Kyi, despite the latter's democratic credentials (Dunant, 2019). Further, the peacebuilders solely focusing on Suu Kyi (until 2017) is seen to have promoted 'one-party democracy rather than multi-party democracy' (Interview with activist, 16 November 2018, Yangon).

Development versus Human Rights and other Liberal Norms as Pathways to Peace

Contrary to the peacebuilders who, like the EAOs, have seen exclusion as the driving force behind the conflict, China has consistently framed the problems in Myanmar as 'developmental'. The grievances of EAOs are seen to emanate from a 'lack of development', rather than underlying political issues of exclusion (Donowitz, 2018). This has also helped justify increased Chinese investments in ethnic areas. BRI, thus, is pitched by Chinese sources, as a solution, which will herald peace in the region, by incentivising EAOs to give up arms, and join the fold of economic development (Interview with JMC representative, 13 November 2018, Yangon). The Chinese vision of development, has complemented the Burmese regime's justification of its counterinsurgency in border areas, as 'development-for-peace ' (Woods, 2011). This version of development is 'anti-political' in its foundation (Kiik, 2016). It further obscures the underlying political intent of insurgencies, but also contrasts with the ethno-national demands of EAOs, who seek to finalise the discussion on resource sharing and federalism in the peace process, before bringing 'developmental' activities

to the fore. In fact, even in areas under a ceasefire, such developmental activities have not only been flashpoints of low-scale conflict, but also have led EAOs to accuse the government of prioritising 'development over peace' (Mathieson, 2020).

This 'developmental' focus contrasts with the peacebuilders' approach, where such groups as the EU see the primary challenge in Myanmar to be: 'consolidating democracy, promoting ethnic peace and reconciliation, advancing constitutional reforms, institution building and security sector reform, and promoting the rule of law and human rights' (European Commission, 2016). Similarly, the JPF, a leading peacebuilding consortium, sees peace as being reached through a holistic endeavour: 'through agreements and strengthened stakeholders, institutions, and processes' (Joint Peace Fund, 2016). Such different framing of the conflict has also impacted approaches to its resolution, with China focusing on development while the peacebuilders focus on policy reform and institution building to accommodate the issue of exclusion. Groups, such as the World Bank and the Asian Development Bank, have also supported developmental endeavours by funding infrastructure projects in ceasefire areas, but their support, which is largely in the form of loans, is miniscule in comparison to China's.

Differences in the Strength of International Engagement

A clear core difference in Myanmar is the level of access and influence. Building on the legacy of sanctions, the leverage of peacebuilders is hampered by their absence of contextual understanding, as well as their having to build new partnerships on the ground, despite domestic groups calling for a greater involvement of peacebuilders (Kumbun, 2019b).

This contrasts with the Chinese approach, where its formal and informal links across the country with all the power brokers, make it indispensable to the peace process. As mentioned in the previous chapter, even when the Myanmar government was unsuccessful in persuading such groups as the UWSA to join the NCA talks, China was able to persuade them. Further, China was also able to compel the military to

change its decision, and allow the AA, the TNLA and the MNDAA to attend the peace talks (The Irrawaddy, 2017). In fact, the military is seen to abide by Chinese involvement, because of China's ability to put pressure on Northern groups to join the NCA (Vrieze, 2017). In turn, China has also been able to use these Northern-based groups, to influence the peace process in ways that limit the engagement of peacebuilders, and Western states in general. For instance, Northern-based EAOs have expressed concern over the undue involvement of the US, the UK, the EU, and Japan in the peace process, despite other EAOs calling for greater Western engagement (Institute for Security and Development Policy, 2015).

This contrasts with the abysmal levels of influence and access of peacebuilders to conflict actors, such as senior Tatmadaw officers, and the Northern EAOs. Thus the engagement of peacebuilders has largely been in ceasefire areas with those EAOs who have signed the NCA (Interview with peacebuilding consultant, 10 July 2017 (b), Yangon). Peacebuilders have engaged military representatives in the NCA process to a small degree, with trainings and study trips for some members of the Tatmadaw, on DDR/ SSR related themes (Thiha, 2017). However, the level of access and influence of peacebuilding organisations on senior members of the Tatmadaw is said to be extremely limited. Similarly, unlike Nepal, where peacebuilders dominated the 'policy' realm of peacebuilding, there has been resistance to the deeper participation of peacebuilders within government and policy systems. As an insider to the peace process pointed out, 'there were calls by the international community to imbed international experts within some peace infrastructure like the JMC, which were refused by the government' (Interview, 13 November 2018, Yangon). Finally, while groups, such as the KIO, are seen to engage better with peacebuilders, and the West generally, peacebuilders are seen to have limited access to other Northern groups like the UWSA. China, in turn, is least interested in EAOs on the Southern borders, many of whom have signed the NCA (Interview with researcher, 23 November 2018, Yangon).

Avenues of Contestation

Given the differences in modalities, and the non-involvement of China in shaping, and engaging with the agenda of the peace process on an everyday level, there are limited avenues for joint engagement. Further, China does not attend the joint forums or donor consortiums on the peace process, which has limited even basic avenues of discussion. When Chinese representatives do attend a few donor forums, they are 'reluctant engagers- taking rather than giving information' (Interview with peacebuilding funder, 12 July 2017, Yangon). Thus, as mentioned before, the only forum that sees China and peacebuilders unite is the mediation and facilitation of processes that have led to an elite pact in the form of the NCA. Here, China, along with other Western countries supporting peacebuilding programmes, have all been formal witnesses in the processes (Institute for Security and Development Policy, 2015).

These limited avenues of engagement have, in instances, led to active contestation between China and the peacebuilders, and more generally the Western states supporting the political transition. This contestation, firstly, is said to emerge out of China's guardedness about the increased international presence in Myanmar since the peace process. Several Chinese sources have tended to see the diversified matrix of international presence in Myanmar to be detrimental to its bilateral relations. Li Zuocheng, a member of China's Central Military Commission, stated: 'The border security and peace and stability in northern border of Myanmar are crucial for both countries. Acts of any organisation that can negatively impact on bilateral relations between the two countries, will not be accepted.' (Jiayao, 2019). Similarly, China's President Xi remarked that, 'Sino-Burmese friendship should not 'be disturbed by external forces,' reflecting China's growing concern over Western influence in Myanmar (Boehler, 2013b). In fact, one of the factors, determining the low level of engagement of the US in the political transition in Myanmar, is said to be China's opposition to a greater role (United States Institute of Peace, 2018).

In the peace process, China has sought to veto processes which call for wider international participation (Chow and Easley, 2015). When different EAOs proposed seven countries to sign as witnesses to the NCA, including the US, the UK and

Norway, China only supported for the UN and itself to be formal witnesses (Sein, 2016). While maintaining uneasy relations with the Western states, China with its power of veto at the Security Council, appears to be more comfortable in engaging with the UN than with individual Western countries, or regional blocs (Alexandra and Lanteigne, 2017). More pertinently, it has been critical about peacebuilders, and peacebuilding projects, in Northern border areas, as well as in areas of large investments, such as Rakhine state (Interview with peacebuilding funder, 12 July 2017, Yangon). China has advised its Myanmar counterparts that they did not want to see 'white faces' in border areas, and advised some Northern EAOs not to maintain links with the West (Interview with activist, 13 November 2018, Yangon). In fact, relationships with the West, and the various peacebuilding organisations supported by the West, has also been an important variable in how China relates to different EAOs in Northern Myanmar. For instance, although they are one of the largest Northern based EAOs, China has taken exception to the predominantly Christian Kachin, who are seen as pro-Western, given that they have sought engagement with the peacebuilders (Sun, 2012b).

Yet another point of contestation has been the role of civil society organisations, which have used the space, which opened up after the reform in 2011, to raise their voices against Chinese investments. Since 2011, civil society groups have protested over large-scale Chinese investment for land grabs, violation of labour rights, environmental damage, and insufficient compensation (Mark and Zhang, 2017). While the Myitsone dam is the highest-profile case, resulting in the project being shelved by the Thein Sein government, there have been local backlashes against many other Chinese-funded projects, such as the Letpadaung Copper Mine. China has viewed the response in Myanmar as influenced by Western-backed NGOs (Interview with professor, 22 December 2017 (a), Sichuan). The Chinese media, in turn, credits the US with the suspension of the Myitsone dam construction (Steinberg, 2016). Further, Chinese scholars have routinely attributed this averseness to Chinese investments to Western states, and those civil society groups funded by them, in order to eliminate China's economic advantage in Southeast Asia. They argue that: 'the US and some western countries have blackened the prestige of China's investment abroad, tagged

Chinese investment in Myanmar as a plunder of natural resources, claimed non-performance of social responsibility, caused environmental destruction and created no benefit for the people…Affected by these opinions, some Burmese treat Chinese investments with an extremely idealistic attitude... ' (Shihong, 2014, Pg 181).

Limitations of Liberal Peacebuilding Projects

While undercut by the role of China, as well as by the nature of transition, the impact of liberal peacebuilders in Myanmar needs to be evaluated against their own portfolios of work and effectiveness. Despite starting almost anew, there have been areas where peacebuilders have made their impact felt, while in other areas, their operational deficiencies, including the diffused nature of peacebuilding projects, encompassing myriad issue areas, have hindered their ability to influence processes.

Limits of Capacity Building

Peacebuilding assistance in Myanmar appears to be much more valued, in comparison to Nepal, because it is viewed as devoid of external political interference, generous, and reasonably well targeted (Wilson, 2017). In interviews, respondents discussed how technical assistance, through creating evidence bases on peace process issues; bringing comparative examples from post-conflict states; and deploying experts on issues such as federalism and SSR; have all been helpful to the EAOs, and civil society groups, in articulating their own narrative on such issues as exclusion. Examples of EAO leaders, referencing their knowledge of the federal experiences of South Africa, Nepal, South Sudan, and Northern Ireland, to frame their demands, shows that technical support from peacebuilders has some impact (Gasser et al., 2016). Through international experience, trainings, and expertise, peacebuilders have been able to build a normative space for citizens, at all levels, to socialise with norms of inclusion and powersharing, as well as civilian supremacy and human rights amongst others. The significance of these methods was testified to, as many respondents tended to reference reports by organisations funded for peacebuilding when responding to questions on federalism or

SSR. Those cited included the International Crisis Group, the Asia Foundation, and Saferworld.

However, peacebuilders are seen to focus mainly on EAOs, leading some to view liberal peacebuilders as 'opposition centric' (Interview with peace negotiator, 15 November 2018, Yangon). This has, in turn, led many people to see the demands and agendas made by the EAOs, as driven more by the peacebuilders, than by domestic conditions in Myanmar. As a think tank leader remarked, 'When we attend conferences like Panglong, some distinctive and infeasible ideas are floated by EAOs on the role of the Army or the modalities of federalism, and we know these to be the result of 'technical advice' by Western NGOs and experts' (Interview, 21 November 2018 (a), Yangon). This tendency to view peacebuilding support, as being solely to the advantage of EAOs, not only deepens the schisms between the dominant Bamar groups and the EAOs, but also leads to peacebuilding itself being seen as biased, potentially leading to an elite backlash.

Further, capacity building in itself has also been seen as a double-edged sword. While beneficial in itself, it has resulted in endless foreign trips and workshops for people, who should be focused on meeting their own constituencies, and taking up their issues (Interview with NGO representative, 12 November 2018, Yangon). A more fundamental problem has also been that, while the support of liberal peacebuilders to the EAOs angers the elites, the marginal nature of the support provided is not sufficient to significantly change the political settlements in favor of marginalized groups.

Technical Fixes on Institutions and Norms

Peacebuilders have continued to valorise technical aspects of building institutions, and the ensuring of legal compliance to norms, overlooking the incompatibility between these institutions and the power held by such groups as the Tatmadaw (Khan, 2010). Further, these interventions have been designed based on the logic that capacity building on issues like SSR/ DDR, federalism, and human rights, will lead to their adoption as institutions. The incompatibility, between the institutions supported and the levels of elite commitment to these institutions, further inhibits this expectation.

For instance, peacebuilders have funded projects on police reform, promoting the rule of law, access to justice, in addition to educational courses for the Tatmadaw on civilian oversight, and human rights amongst others (Interview with SSR expert, 21 July 2017 (a), Yangon). Owing partly to the engagement of peacebuilders, the Tatmadaw today, increasingly references, and uses, the terminology of SSR/ DDR. At the 2016 Union Peace Conference, the Senior General of the Tatmadaw indicated, 'We will have to practise DDR and SSR in line with the expectation of the international community' (Jolliffe, 2017). However, how much of this socialisation to different concepts translates into a definite uptake of SSR remains debatable, especially as the Tatmadaw has been against any action that could weaken its political role (Myint, 2020). The compromise for liberal peacebuilders is then, to support less contentious issues, such as the support of the UN Peacebuilding Fund, in preventing and controlling the use of child soldiers in the Tatmadaw, by identifying, verifying, discharging and reintegrating them (United Nations, 2014). As SSR is deeply entrenched into the political settlement of Myanmar, without an unravelling of the political settlement SSR might just be a 'technical fix'.

The focus on technical fixes, based on norms and the prioritisation of institutions, is seen to have ignored the 'needs on the ground'. The support by liberal peacebuilders is seen to be completely inadequate, when compared to the normative and procedural compliance required. For instance, civil society groups complain that the bureaucratic measures of, writing lengthy funding applications; conforming to funding priorities; and partnerships with international NGOs, all make the support of peacebuilders rigid, and unable to respond to the evolving needs on ground (Interview with activist, 13 November 2018, Yangon). Even the value of such institutions, overwhelmingly supported by peacebuilders, is beginning to be questioned by donors themselves. For instance, encouraged by donors, the JMC had been expanding its organisation, through strengthening its bureaucratic system and building offices at different local levels, to be able to effectively monitor the peace process. However, over the years, donors have been frustrated by the fact that, despite these institutions on the ground, the JMC has, as yet, still to work out and agree on 'which area to monitor' (Interview with NGO

representative, 12 November 2018, Yangon).

Self-appraisal of Marginality

There is a self-realisation of their marginality and timidity amongst peacebuilders. For one, the crisis in Rakhine, and the subsequent discussion of sanctions for Myanmar in Western capitals, has dissuaded liberal peacebuilders from continuing to engage, with the same level of interest. The Rakhine crisis has also furthered the mistrust between the government and the peacebuilders, which has made their engagement more marginal. This is complemented by the lack of welcome accorded to peacebuilders after 2015, when Suu Kyi came to power. Additionally, with little interaction with powerful factions in the process, such as the EAOs in the North as well as the military, the focus of peacebuilders is largely only on ceasefire areas and groups. Moreover, peacebuilders see themselves as bringing little financial support to the process, thus reducing their scope of engagement. A statement from the head of a peacebuilding consortium reinforces this marginality, 'We give approximate 120 million to the peace process. However, if one legalises the jade industry in Myanmar, it will be able to generate much more than the 120 million. So the Myanmar government does not really need the money' (Interview, 10 July 2017(a), Yangon). Unlike Nepal, the monetary aspect is largely seen as too little, which emboldens the government, subverting any undue pressure to adopt the 'liberal peacebuilding' paradigm wholeheartedly. The absence of a comprehensive contextual understanding of Myanmar is a further barrier. Given the history of sanctions, any useful knowledge about the situation only really began to be acquired after 2011.

This has impacted on the ability of peacebuilders to promote such contentious issues as transitional justice. When questioned, as to why it had not received an equal level of prioritisation as in other contexts, a representative of a key donor organisation, stated that their 'funding the monitoring of the ceasefire' could be seen as a form of transitional justice (Interview, 12 July 2017, Yangon). This stretching of the concept of transitional justice to suit their marginality, has forced peacebuilders to make peace with a 'good-enough transitional justice', which, as cited by the representative mentioned above, has manifested itself as ceasefire monitoring. This also shows the

peacebuilders at their weakest, in classifying 'monitoring' as a form of 'accountability'. With the limited role of western actors, it can be seen that difficult questions such as accountability or confronting the past, would not be asked.

Impact of International Engagement in Myanmar's Political Settlement

The differences in modalities of engagement between China and liberal peacebuilders, as well as the vested interest of Chinese engagement, has brought stresses to the political settlement but also opened up routes to autonomy. The peace process allowed the Tatmadaw to neutralise the diverse forms of internal opposition: the democratic opposition, as well as the opposition of a host of EAOs. It also opened the doors for Western engagement. In doing so, the peace process has further addressed the Tatmadaw's core concern about dependence on China, and allowed for the management of Chinese influence, through strategic diversification (Goh and Steinberg, 2016). Today, as Myanmar's generally stagnant peace process approaches its tenth year, it is seen as a case of 'authoritarian resilience', where the top-down process of liberalisation by the Tatmadaw has also allowed for limiting and containing the scope of the transition (Cassani et al., 2019). Given that the impact of plural forms of engagement, on issues of inclusion, SSR, and transitional justice, all of which are central to the political settlement, have yet to be finalised, this section documents how the Tatmadaw has harnessed plural forms of international engagement to its advantage, in the process of re-negotiating the political settlements.

Transforming Conditionality on Political Settlements to Opportunities

Plural forms of international engagement have undoubtedly brought stresses to the political settlement. The engagement of peacebuilders has brought pressure to bear for a degree of political liberalisation, leading to initiating a comprehensive dialogue with the EAOs, and for the first time, a compromise on demands such as federalism (Aung, 2016). This has brought a limited change in the political settlement, both at a horizontal level, where some form of pact between the Tatmadaw and the NLD exists in the form

of executive powersharing; as well as at the vertical level, where the contract between state and the wider society has been reformed. The political freedom, evident in forms of political mobilisation, freedom of press, increased space for civil society groups, evidences this limited change, relative to the situation pre-2011. In that sense, there has been an element of distribution of power away from the Tatmadaw.

Similar stresses have been brought by Chinese engagement. The very essence of Sino-Myanmar relations has been premised on a 'marriage of convenience', where China has sheltered Myanmar from international scrutiny, amid calls for an international investigation of human rights violations, and Myanmar has responded with favourable treatment of Chinese security and business interests (International Crisis Group, 2009). In the peace process, despite overwhelmingly negative views of Chinese investments, and although the government in Naypyidaw has shelved some projects funded by China, nevertheless it has continued to court Chinese investments. Unsurprisingly, China continues to be the largest investor in Myanmar (Zhang and Yao, 2018). Further, despite distrust of China as regards its relationship with EAOs, Myanmar governments have been bound to accept Chinese facilitation and mediation, which in turn places China as the most dominant player in the peace process.

However, the co-existence of plural forms of international engagement, that lack any point of agreement and are even in opposition to each other in some areas, has presented Myanmar's elites with unprecedented opportunities. Firstly, plural forms of engagement have allowed them to benefit from both. Myanmar has benefitted from the international legitimacy and support brought by liberal peacebuilders, which also has helped to bolster its domestic legitimacy. However, it has also continued to benefit through investments, grants, as well as military cooperation from China. While benefitting from multiple international participants, the Tatmadaw, and the government in general, have also protected themselves from international pressures by co-opting these international actors.

Here, co-opting liberal peacebuilders has been facilitated by their marginality, along with their reliance on institutions. Accordingly, the Tatmadaw has, to a degree,

committed to liberal values, including democracy and inclusion, as evident in the NCA (Bell et al., 2017). The Tatmadaw speaks the language of Security Sector Reform, and has constructed an elaborate peace process edifice for Myanmar, involving the UPDJC, the JMC, and the MPC (now the NRPC) (Petrie and South, 2013). However, despite institutional commitments, the Tatmadaw continues to dominate formally, through Constitutional guarantees that sustain its dominance, and informally, through its entrenchment in the wider economy.

This co-option of international engagement in Myanmar is facilitated by two critical factors: Myanmar's geostrategic location, and its reservoir of multiple resources. Amid China's rise, and the resulting competition of the U.S. and China for influence in Southeast Asia, countries in the West have facilitated greater engagement in countries such as Myanmar (Han, 2018). The peace process thus provided a perfect pretext to again initiate engagement with Myanmar. Similarly, as the peace process continued, the UN's concerns about Myanmar retreating into isolation and reversing the democratic process, led peacebuilders not only to 'rock the boat' too much, but also tolerate some level of co-option (Interview with UN representative, July 25 2017, Yangon). This geo-strategic importance has been even more pertinent for China. Myanmar's centrality to BRI, as well as a broader quest for access to the Indian ocean, has recently changed the previous asymmetry between China and Myanmar (Sun, 2012b). Further, despite its negligible role in the peace process, Myanmar's strategic location also allows it to invoke external actors, like India, to diversify its foreign relations. For instance, Myanmar is central to two of India's foreign policy priorities, the 'Neighbourhood First' and 'Act East' policies, and serves as the only land bridge to connect India with Southeast Asia (Atmakuri and Izzuddin, 2020; Kumar, 2019).

Similarly, as a resource rich country, Myanmar has been able to use opportunities to invest in critical sectors to gain international support. For instance, Myanmar cultivated and 'rewarded' Beijing, by consenting to economic and infrastructure projects, in lieu of diplomatic support in international forums (Haacke, 2011). Likewise, even as the US reviewed its policy on sanctions for Myanmar, ultimately

retaining the majority of them, private business actors in the US, keen to exploit resource-rich Myanmar, have lobbied against it (Dyer and Peel, 2016).

Along with co-option, the very differences and contestations between Chinese and peacebuilding engagement, has also allowed Myanmar elites to 'hedge' between the two, when international pressures prove restrictive. The very start of the peace process was an attempt to hedge against entrenched Chinese domination, built up through years of Western sanctions (Lintner, 2016a). The peace process, and the opening of its borders to the West thereafter, has altered Myanmar's strategic options in political and economic terms, especially its asymmetry with China. The peace process, in turn, became a springboard for aid, partnerships, high-level visits, the lifting of sanctions, bilateral trade and investment agreements, as well as debt relief and other forms of assistance from Western states, who flocked in to support the peace process (Gill et al., 2016). This option was reversed after 2015, when Myanmar hedged against the calls for accountability by the West, by turning to China. In the aftermath of the Rakhine crisis, as the peacebuilders attacked the Government and the Tatmadaw for their human rights violations, Myanmar was back in China's arms. China protected the Tatmadaw at the UN and defused the pressure to internationalise the Rakhine crisis, which would have implicated Myanmar elites, both the Tatmadaw and the NLD-led government, in the process (Myint-U, 2020). Hedging, thus, has facilitated the relieving of pressures and neutralised them by bandwagoning with China. This hedging, against the West and towards China, is facilitated by the fact that elites in Myanmar understand that the Chinese approach is not based on normative assumptions, on governing systems or human rights, but based on interests (Interview with former diplomat, 24 July, 2017 (a), Yangon). This hedging has empowered the elites to circumvent Western condemnation, and yet continue to engage with West on the lines of the peace process, albeit in limited ways.

Emergence of Illiberal and Co-opted Hybrid Forms of Peace

The avenues for co-option and hedging fostered by plural forms of engagement, and the divergences between them, has opened avenues for the elites in Myanmar to be

more autonomous. Co-option and hedging has meant that elites in Myanmar, including the NLD since 2015, have committed to a certain degree of liberal values, without fully committing to it, which has helped appease the West and accommodate some bottom-up pressures, while still benefitting from China. Thus, hedging and co-option to international engagement has brought forth a hybrid form of peace, which commits to federalism, secularism, and semblances of SSR; as well as liberty, equality and justice institutionally, through provisions in the NCA. However, these commitments prove to be unworkable in practice. The hybrid peace that has emerged is largely illiberal, as it continues to bolster the dominance of the Tatmadaw. With the NCA being the first step in the peace process, and since concrete peace structures are yet to emerge, it might be premature to presume the type of peace structures that will emerge. Yet, with ten years into the peace process, some inferences can be made.

For instance, the NCA at its heart, commits to 'principles of democracy and federalism in accordance with the outcomes of political dialogue and in the spirit of Panglong', but makes it conditional to 'principles of non-disintegration of the union, non-disintegration of national solidarity and perpetuation of national sovereignty'. Concerns about sovereignty and territorial integrity have always been the narrative through which the Tatmadaw has legitimised its role in politics (Nakanishi, 2013; Selth, 2001). The Tatmadaw, theoretically agrees to federalism, but in practice continues to use the 2008 Constitution as its reference point, thus stifling any meaningful discussion on federalism (Wansai, 2018b). Similarly, while SSR, in the form of 'security re-integration,' has been committed to in the NCA, any basic SSR type of reform requires a change in the Constitution, and a reduced role of the military. The military has continually rejected any loss of their political role (Myint, 2020). Thus, any semblance of SSR is unlikely to materialise in the short term. On the issue of transitional justice, the power of the Tatmadaw, within the political settlements, means that voices for more rooted transitional justice measures are still restrained. More so, having transferred power to the NLD through elections, and redeemed themselves in Western eyes, the military today, under the façade of democracy, has been less inclined to accommodate EAO demands, and has often 'trimmed the sails' of the NLD in the peace process (Keenan, 2017).

Events in Myanmar demonstrate how domestic groups use their agency, through co-option and hedging, to decide when, how, and to what extent, they will engage with the international community to consolidate their interests. This space for opportunities for elites to push through their agendas, has, in turn, reduced that of marginalised groups. And this reduced space and the false promise of the peace process has led to disenchantment, even amongst signatory EAOs, like the KNU, and resulted in a stagnation of the peace process (Interview with representative of Signatory EAOs, 14 November 2018, Yangon).

In this stagnant form of peace process, and the political settlements it has been unable to rouse, the plural forms of international engagement, as well as the strength of their leverage, has been evident. Peacebuilders, while providing valuable support, have minimal resources, nominal impact, and since 2015 have had a limited role, overpowered as they have been by regional actors. Peacebuilders have created the space to discuss federalism, human rights, democracy, and SSR, with their narratives on inclusion, which has aided EAOs. However, they have not been able to promote incentives for the Tatmadaw to change, and instead peacebuilders have been co-opted at best. Tatmadaw's commitment to the peace process, despite its inherent co-option, has saved them from international isolation, and granted them legitimacy. For instance, in trying to engage the Tatmadaw on debates about SSR and federalism, peacebuilders facilitated the entry of the Tatmadaw to Western capitals, through study visits, and in turn normalised their relations with the West (Thiha, 2017). Chinese engagement, ambivalent to the character of the political settlements in Myanmar, and limited to prioritising its national interests, has promoted the status quo in supporting some form of elite pact that guarantees stability, but not going beyond that. Further, the pluralisation of China's foreign policy and its pragmatic approach has meant that all sides in Myanmar's conflict have gained from China's engagement, thus furthering the status quo. What is likely to progress the political settlements in Myanmar is a change in the constitutional prerogative that privileges the military, and an introduction of federalism, which would not only end the conflict, but also decentralise the distribution

of power. However, while Western countries are too marginal to promote this adequately, China benefits with the status–quo, promoting stability rather than peace.

Conclusion

This chapter has outlined the pragmatic nature of Chinese engagement, where its engagement has been ambivalent about debates on SSR, federalism, and human rights, and limited to areas of its own interests. China's vast investment portfolio in the economy and its contradictory position on the peace process has resulted in complex consequences for negotiations on SSR and federalism. For it can be seen to be aiding and abetting several EAOs spread across the border, through formal and informal channels, while still supporting the Tatmadaw in its quest to build a professional military force. This chapter has also outlined how the peacebuilders have been hampered by their operational deficiencies and China's aversion to expanded third party engagement in its periphery. Liberal peacebuilders are viewed as weak and marginal players, yet critical as they continue to form a credible counter-weight to the dominance of China.

A pragmatic Chinese engagement, combined with a frail peacebuilding, and the sheer number of competing domestic groups, have all inhibited a momentum for change in the political settlement. Instead, owing to the co-existence of plural forms of engagement, and the differences in these forms of engagement, this chapter has shown that elites in Myanmar have been able to enhance their autonomy, by availing themselves of the strategies of co-option and hedging. As a result of such strategies, the Tatmadaw has maintained its role as the base of the power pyramid (Bhatia, 2015) and a change in the political settlement for now remains distant.

Part IV: Conceptualising Emergent Power Engagement in Peacebuilding Arena and its Impact on Political Settlements

Drawing on inferences from the empirical chapters on Nepal and Myanmar, both chapters in Part IV of this thesis, seek to conceptualise Indian and Chinese engagement in the peacebuilding arena, and the impact of plural forms of engagement in political settlements in conflict-affected states.

Chapter 7 proposes an alternative framework of peacebuilding, which deviates from, and contrasts with 'liberal peacebuilding', despite taking into account the radical changes there have been in liberal peacebuilding practice. Conceptualised as the 'Emergent Power Regional Conflict Management' (EPRCM), this chapter sketches the features of this approach, and its points of departure from liberal peacebuilding projects. In doing so, this chapter argues that the competing power of the EPRCM can, on the one hand, undercut the influence of liberal peacebuilders. However, paradoxically, it also creates a guaranteed space for peacebuilders, to work in conflict-affected states, as elites continually invoke their presence, to counter-balance the intrusive engagement of India and China in political transitions.

In a similar way, Chapter 8 traces how the centrality of the EPRCM, and its co-existence with the engagement of liberal peacebuilders, in Nepal and Myanmar, has brought pressures but also unprecedented opportunities. It argues that the elites have been able to harness the opportunities brought about by these plural forms of international engagement, by co-opting both sources, but also hedging between the two; in turn maximising their own autonomy and range of options. In choosing this type of engagement, elites in Nepal and Myanmar have to respond to the measures recommended by the EPRCM and liberal peacebuilders, in tandem with meeting domestic grassroots demands. This leads to hybrid forms of peace, where liberal and illiberal visions of peace are interwoven. However, the opportunities for co-option and hedging ensure that these hybrid forms lean towards an illiberal version of peace, by

maintaining the status quo, rather than embracing the significant changes promised by the peace process.

Chapter 7 begins by outlining where EPRCM as an approach can be located, within a growing body of scholarship, that engage with alternative frameworks of peacebuilding. After outlining the features of EPRCM, it goes on to describe the limits of this framework. The second section of the chapter, examines how the EPRCM interacts with, and impacts on, liberal peacebuilding. Having identified their relationship as 'negotiated co-existence', it seeks to interpret the engagement of emergent powers with the liberal world order, in the context of a broader debate on International Relations. Lastly, the chapter focuses on the inferences that can be drawn from empirical insights from Nepal and Myanmar on the state of 'liberal peacebuilding' on ground.

Chapter 7: Emergent Power Regional Conflict Management and the Space for Liberal Peacebuilding

Recognition of Emergent Power Regional Conflict Management

A core inference, which emerges in tracing the engagement of India and China in the peace processes of Nepal and Myanmar, is that India and China speak a distinct language of peace. This dialect is separate from, and in complete contrast to, that of liberal peacebuilding. Given then, that a 'liberal peacebuilding' framework seems an inappropriate route to an understanding of Indian and Chinese interventions in their regional peace processes (Cunliffe, 2019), this chapter proposes the alternative conceptualisation of: 'Emergent Power Regional Conflict Management' (EPRCM). EPRCM is not a conscious strategy, but binds together a set of priorities with contradictory elements, and can be interpreted as an approach for engaging with conflict-affected states in the region. Liberal peacebuilding, even in its most skeletal form, is defined by a normative commitment to human rights, democracy, rule of law, justice, and inclusion (Paris, 2010). However, the building blocks of EPRCM are conditional state-centricity; stability; development; as well as the rejection of the universality of liberal solutions in post-conflict states; the prioritisation of regional actors in peace processes; and finally the dismissal of policy- based templates, in favour of pragmatic context-dependent forms of engagement. The first three tenets of EPRCM: state-centricity, stability, and commitment to development, have been long acclaimed by many scholars of Indian and Chinese foreign policy, in their different terms (Abb, 2018; Alden and Large, 2015; Aneja, 2014; Choedon, 2017; Li and Lye, 2009; Sørbø et al., 2011). However, what EPRCM adds to these three elements is its uneven application in the region. The remaining three principles are new, drawn from empirical engagement in Nepal and Myanmar. Before the chapter discusses these building blocks, it is pertinent to locate EPRCM within a growing body of scholarship;

which has sought to veer away from a focus on 'liberal peacebuilding', and conceptualise alternative forms of peacebuilding emerging on the ground.

Space for EPRCM: An Alternative to 'Liberal Peacebuilding'

The relentless criticism and scrutiny of liberal peacebuilding, and the attendant scholarship, has, ironically, perpetuated the discursive hegemony of 'liberal peacebuilding' (Mac Ginty and Richmond, 2016). However, in response to the discursive dominance of 'liberal peacebuilding', three alternatives have been proposed.

Firstly, there has been a call for 'post-liberal peace'. This requires prioritising the 'everyday' dynamics of peace, and a factoring of the agency of local actors into the debate of peacebuilding, who can own, claim, and follow, indigenous ways of making peace, either detached from liberal peacebuilding mandates, or in parallel to them (Boege, 2016). Their agency in conflict-affected states can circumvent the design and vision of 'liberal peace', and move towards hybrid forms of peace, combining both liberal and illiberal elements (Richmond, 2010). Despite acknowledging the potential of local actors to adapt 'liberal' peace into hybrid forms of peace, the 'post-liberal' approach continues to privilege liberal peacebuilding. Scholarship on hybridity views it as emanating from the multi-layered interaction between different local and 'international' actors (Mac Ginty, 2011, 2010). The reference to 'international' in this context, however, has been drawn from empirical examples, where the UN and/or Western states have been the primary actors in the peacebuilding arena.

Secondly, the successes of illiberal conflict management strategies to deliver stability, has led to an acknowledgement that peace in fragile contexts can be realised with illiberal, authoritarian, and neo-patrimonial policies (De Waal, 2010; Smith, 2014). This has led scholars to conceptualise 'illiberal peace' (de Oliveira, 2011; Piccolino, 2015; Smith, 2014) drawing on insights from such countries as Angola, Rwanda and Sri Lanka. While distinctions remain between scholars, illiberal peace is defined by 'the prominence of domestic actors instead of Western powers, the prevalence of

clientelism, cronyism, and corruption instead of economic neo-liberalism, and emphasis on illiberal norms of inequality and order' (Smith et al., 2020, Pg 4).

Lastly, going beyond 'illiberal' peacebuilding, to account for cases that are 'neither liberal nor hybrid but unashamedly authoritarian', scholars have conceptualised the Authoritarian Conflict Management (ACM) framework (Lewis et al., 2018, Pg 488). ACM questions the hegemony of West-led liberal approaches, which give undue 'focus on the archetypal liberal interventions of the 1990s—Bosnia- Herzegovina, East Timor or Kosovo,' while obscuring 'highly destructive wars where Western powers were not the primary actors, such as Chechnya, Sri Lanka, Ukraine or Syria' (Lewis, 2017, Pg 28). ACM is seen to rely on information control and knowledge production; spatial control through patrols, occupation, and resettlement; and economic control by denying rebel groups economic and financial resources, while supporting favourable local groups (Lewis, 2017; Lewis et al., 2018).

These alternatives, especially the latter two, although they have extended their thinking beyond 'liberal peace', and heeded calls for alternatives to liberal peacebuilding, nevertheless they do not account for Indian and Chinese engagement in countries within the region, or EPRCM, as this thesis proposes. The illiberal peacebuilding and ACM frameworks, both focus on 'domestic regimes' as the primary actors in the conflict processes of conflict-affected states (Lewis, 2017; Lewis et al., 2018; Smith, 2014). This discounts the presence of 'other' international actors, like India and China, in the context of conflict-affected states, such as Nepal and Myanmar. Similarly, Nepal and Myanmar cannot be said to be cases of 'hard' authoritarianism, given their transitions (or attempted transition in the case of Myanmar) through negotiated settlements. EPRCM thus attempts to introduce a fourth alternative to the existing alternative models to peacebuilding.

EPRCM, however, does not claim to capture the entirety of how India China engage with conflicts, but rather limits it to their engagement within their region of influence. Instead, in referencing Nepal and Myanmar, it begins with an initial attempt to decode systematically how India and China engage in regional conflicts in practice, rather than

relying on their statements at the UN, or their foreign policy articulations alone. In doing so, it not only furthers an understanding of the conflict management strategies of emergent powers regionally, but can also draw inferences as to how they might engage with the different manifestations of the liberal world order, which has been core to contemporary debates in International Relations (Hurrell, 2006; Ikenberry, 2011; Johnston, 2007; Kupchan, 2012).

In framing EPRCM, there is a conscious attempt to depart from the use of the term 'peacebuilding'. This is reflective of Indian and Chinese engagement in the peace process in Nepal and Myanmar. Lofty goals of 'peace' have neither been articulated by these emergent powers, nor are they evident in practice. Rather, given their continuous involvement in these countries' conflicts, Indian and Chinese engagement in peace processes is clearly framed by different considerations: their time-tested identities as regional hegemons; their changing foreign policy patterns as they have risen and adjusted their foreign policies based on domestic priorities; and lastly the evolving context in political transitions in Nepal and Myanmar. These considerations underpin the features of EPRCM to which this chapter now turns.

Features of EPRCM

Defining the characteristics of EPRCM is an arduous exercise. As mentioned above, I argue that it comprises six core features: state-centricity (albeit inconsistent); stability; development; as well as the rejection of the universality of liberal solutions in post-conflict states; the prioritisation of regional actors in peace processes; and finally the dismissal of policy- based templates, in favour of pragmatic context-dependent forms of engagement. However, on closer examination, these very categories appear at odds with each other. For instance, how can such features as stability and development, which seem like fixed priorities, be reconciled with such a feature as pragmatism, which demands dynamism and change? These elements thus need to be viewed as priorities or features, which, given their underlying pragmatic orientation, are unevenly applied, not only between the two emergent powers, but also across different issue areas.

Conditional State-centricity

EPRCM confirms in part the state-centricity, which is seen to be at the base of Indian and Chinese engagement in their foreign affairs. This state-centricity is viewed as emanating from their adherence to older pluralist norms of sovereignty, and to non-intervention (Hurrell, 2006). But more fundamentally, in China it has emerged from a Chinese perspective of state as a moral agent, whose authority must be strengthened: a much more positive view of state than that in the West (Hirono, 2013; Zhao, 2004b).

This state-centricity is evident in Indian and Chinese stances on such issues as: humanitarian interventions, R2P, and development assistance; as well as in their domestic policies (Choedon, 2017; Foot, 2012; Walder, 2015). India sees the state as the rightful guarantor of rights, which must be fully respected, and consequently provides aid through bilateral channels directly to the government (Aneja, 2014). Similarly, in its development assistance in Africa, India has sought to avoid the use of NGOs, with which it has an uneasy relationship, to deliver any overseas function, or be a channel for development funding and assistance (Mawdsley, 2010).

In the peacebuilding realm, this state-centricity is evident in India and China's reliance on state agencies to channel any engagement, and their evident aversion of civil society groups, notably NGOs. Strengthening of civil society is seen to undermine state sovereignty, a concept central to states like India and China (Lewis et al., 2018). State-centricity here manifests itself in two ways. Firstly, both India and China have engaged in the peace process through their diplomatic channels, in the form of mediation and facilitation, or in supporting government-run peace institutions or such state agencies as the Election Commission. India and China have not devolved responsibility to national NGOs, or relied on NGOs or INGOs in Nepal and Myanmar, although they have supported local civil society groups on developmental initiatives in these states. As a scholar-diplomat in India remarked, 'We don't prefer national or international NGOs and don't work with them. We recognise that one who pays for the piper plays the tune' (Interview, 2 October 2018, New Delhi). Similar sentiments were echoed by a Chinese academic, who stated, 'the large presence of NGOs in countries like

Cambodia or Laos, have largely been ineffective in their developmental outcomes. In fact, they have only created trouble and contributed nothing' (Interview, 22 December 2017 (a), Sichuan).

Secondly, capacity building of state institutions has been prioritised. For instance, India supported Nepal's Election Commission, on the conduct of elections in 2008 (Destradi, 2012). Similarly, despite difference in modality of aid, China funded, and donated, vehicles to such governmental peace institutions as the JMC, in Myanmar. A core aspect of supporting state institutions has been strengthening the state's security sector. Both China and India have continued to provide defence-related assistance to the Tatmadaw, ranging from arms to trainings and exchanges. Similarly, India and China have been central to aiding the Nepal Armed Police Force and the Nepal Army (NA), as well as supporting their administrative infrastructures (Bogati and Strasheim, 2019; Ghimire, 2018)

What is new, in terms of state-centricity in the peacebuilding realm, is that the very modality of engagement by India and China leaves little space for their engagement with non-state or civil society spaces, including, NGOs. As detailed in the previous empirical chapters, India's engagement has largely focused on the political process, where it has been central to the survival of regimes. Further its limited engagement on the deliverables of CPA, apart from elections and facilitating for peace accords, means that such macro political engagement limits the space for an involvement of civil society. In Myanmar, China's focus on mediation, and facilitation, between the EAOs and the government, has meant that the delivery function of Chinese engagement can hardly be devolved to NGOs. Further, China has limited engagement in peace institutions, apart from funding them. It chooses not to be drawn into details of the NCA, or its deliverables.

In its state-centric nature of engagement, there is a point of normative difference between liberal peacebuilders and emergent powers. For instance, on the involvement of civil society, EPRCM differs from the very premise of liberal peacebuilding. Peacebuilding is premised on a 'liberal' vision, where an independent civil society

provides a genuine democratic counterweight to the state, and presents an alternative to a dysfunctional, or even a 'failed,' state (Pouligny, 2005). UN reviews place the capacity building of civil society, in conflict-affected states, as crucial to the success of peacebuilding (United Nations, 2015b, 2015a). Civil society involvement in peace processes is also seen to legitimise the process, and ensure the durability of peace (European Peacebuilding Liaison Office, 2013; Fahey, 2009; Nilsson, 2012). Accordingly, liberal peacebuilders have used 'civil society', not only as a normative commitment that 'needs to be promoted', but also as a vehicle to deliver the liberal commitments of the peace process.

More pertinently, it is often this contrast, which makes 'civil society' a point of contestation between EPRCM and liberal peacebuilders, especially when the work of civil society is seen to be detrimental to Indian and Chinese interests. China's blaming of civil society protests against its developmental projects, like the Myitsone dam and the Letpadaung Copper Mine in Myanmar, is a case in point (Li and Lye, 2009; Shihong, 2014). Such views were further corroborated by a Parliamentarian in Myanmar who stated, 'West mobilises some civil society groups against China and Chinese investment, like the strikes against Myitsone. China similarly uses armed groups to water down West's efforts' (Interview, 18 November 2018, Yangon).

While EPRCM acknowledges this state-centric approach, with its prioritisation of state institutions and aversion to such civil society bodies as NGOs, it cautions that it is uneven at many levels. Firstly, when it comes to immediate interests, both China and India have supported anti-state activities and forces. Witness China's support to EAOs in the North. India's support to Madheshi groups, to discipline mainstream political forces, also points to the trend. Secondly, there is a contradiction in India's highlighting of civil society, at least in formal statements, in engaging in Africa, while shying away from doing so in Nepal, or rather more broadly in South Asia. In India-Africa Forum Summits, India has routinely called for greater civil society engagement, through increased interaction between such institutions of parliamentary democracy as media organisations (Ministry of External Affairs, India, 2011); a call which is seen to echo a liberal-Western vision (Harris and Vittorini, 2018). However, regionally, this

emphasis on civil society barely surfaces, and joint statements between Nepal and India focus on 'politically punctuated' bilateral issues (Sridharan, 2020) along with issues of development and connectivity rather than civil society exchanges (Ministry of External Affairs, India, 2018c).

This state-centric engagement within the domain of the peace process, also contrasts with wider bilateral relations, outside the realm of the peace process. Exchanges between media personnel, artists, and students have been at unprecedented levels, between Myanmar and China, as well as between Nepal and both of its neighbours. Chinese scholars have also pointed out that its experience in countries, like Myanmar and Pakistan, has led China to gradually start engaging such non-governmental actors as the media, NGOs and people to people engagement (Interview with professor, 4 January 2018, Sichuan).

Stability

EPRCM confirms the centrality of stability, highlighted in the wide-ranging scholarship on Indian and Chinese foreign policy (Ayoob, 2000; Gill, 2005; Lampton, 2013; Mohan, 2005; Sahni, 2007; Shirk, 2007; Wan, 1999; Zhang, 2012). Stability has always been a priority for India, in both its domestic and in its foreign policy, given unsettled borders with Pakistan and China, and different types of internal conflicts in Kashmir, and in North East and Central India, in addition to occasional outburst of communalism that have sought to tear apart the secular fabric of the country (Ayoob, 2000; Mohan, 2005; Sahni, 2007). Similar circumstances have led China to accord top priority to stability (Gill, 2005; Lampton, 2013; Shirk, 2007; Wan, 1999; Zhang, 2012). The domestic experiences of India and China reveal that such quests for 'stability' can come both through negotiated settlements with rebel groups, and constitutional accommodation of minorities, but also through military victory, control, or intimidation (Han, 2016; Kabzung, 2015; Misra, 2001; Sinha, 2017). The quest for stability, in conflict-affected parts of North-Eastern states, has led India to tolerate an erosion of democracy, by allowing local autocratic leaders to repress violence through varied counter-insurgency tactics (Baruah, 2007; Lacina, 2009).

The EPRCM tends to merge these domestic and regional considerations of stability. EPRCM recognises the possible spillover of, security threats from conflict-affected states like Nepal and Myanmar, as manifested in the tide of refugees, the dropping of bombs, or cross-border collusion between anti-state factions. EPRCM also recognises how instability in neighbouring areas can lead to the presence of external third parties in the region (Li and Lye, 2009; Mansingh, 1984; Muni, 2012). The stability-centred discourse of EPRCM has a multi-layered impact on the peace process.

Firstly, China and India justify their, often intrusive, engagement in the region, on grounds of their concerns about regional stability. Indian sources continually link the inclusion debate in Nepal vis-à-vis Madheshis, to India's core stability (Interviews, October 2018, New Delhi). Similarly, China has routinely cited instances of conflict spillover, such as that in the Kachin and Kokang regions, where bombs landed on the Chinese side, causing casualties on a few occasions, in order to justify its interest and engagement in the conflict (Han, 2017). As a Chinese Ambassador to Myanmar, commented, 'So the peace process is not just at the price for Myanmar people, but also at the price for Chinese people' (Liang, 2017).

Secondly, their focus on stability-centred engagement has meant that China and India have tended to avoid engaging on any issues of the peace process seeking structural transformation, which in the short term, might generate some form of instability (Ramsbotham, 2000). They therefore eschew prolonged discussions on aspects of inclusion, rights and justice. This is evident in India's silence on transitional justice, its support for the NA, and it disenchantment with the Maoists, as the peace process progressed. As a diplomat in India remarked: when wars end through dialogue, one cannot talk of redressal through such measures as transitional justice, and the 'protection' of elites is the price for stability (Interview, 7 October 2018, New Delhi). Similarly, despite having played a key role in mainstreaming the Maoists, when the Maoists were engaged in conflict with the NA, India supported the NA, believing it to be the only vanguard of stability (Jha, 2014). In Myanmar, sources acknowledge the peace versus stability debate and iterate that, while the 'West is interested in building

peace, China is interested in building stability' (Interview with researcher, 23 November 2018, Yangon).

Thirdly, the stability-centred reading on peace processes not only sustains state-centricity, but also violates it. As mentioned above, India and China have contributed to strengthening state security systems, through entrenched defence cooperation (Saferworld, 2011). Conversely, any concerns over cross-border stability, can lead them to support such groups, as the EAOs in the north of Myanmar, or the Madheshis. Their support is driven by a consideration that, as political settlements between groups are not finalised, and groups in the borderlands remain 'too strong to surrender but too weak to defeat the state', India and China need these borderland groups, to guarantee their stability-centric interests.

Equally, a stability-centric approach distinguishes EPRCM from liberal peacebuilding. At least in policy and rhetoric, 'liberal peace' is about much more than stability, but rather about protecting freedom, democracy, equality, justice, and human rights. Into the gap between both approaches, the stability-focused approach also introduces a normative dimension. It weakens any holistic sense of peace, and limits the purpose of peace process to some form of stability, marked by absence of violence.

However, as discussed in Chapter 1, peacebuilding is increasingly geared towards statebuilding, despite an inherent contradiction between them (Richmond and Franks, 2009). Statebuilding, with its focus on creating institutions that have a monopoly of violence, legitimates the state's power and capacity to enforce rules throughout its territory, and therefore resembles Indian and Chinese views of what constitutes a 'strong' capable state (Fukuyama, 2005; Zhao, 2004). As peacebuilding takes a more explicit change of course towards statebuilding, there is the opportunity for some collaboration between emergent powers and peacebuilders. Ironically, therefore, the EPRCM finds common ground with liberal peacebuilding, only once the latter has weakened, and veered towards statebuilding: a phenomenon noted by scholars to have led to the demise of the peacebuilding paradigm (Richmond and Franks, 2009).

Development for Peace

Development is seen as a 'norm' or an ideology, a source of legitimacy domestically in India and China (Interview with academic, January 4, 2018 Sichuan; Interview with researcher, October 3, 2018, New Delhi). This ideology of development has also adopted a conflict-resolution function domestically, framing it as 'developmental peace', to pacify the margins in Tibet, Xinjiang, and the North-Eastern states in India (Kabzung, 2015; Mcduie-Ra, 2009; Paperny, 2008; Sarmah, 2016). Development, has been core to Indian state's counter-insurgency strategy (Baruah, 2007), despite the persistent failure of the narrative. This 'developmental peace', prioritises physical development and economic wellbeing in unstable areas rather than political reform, and thus, strengthens the power of the state, while weakening the power of rebelling social forces (Xuejun et al., 2017).

This 'developmental peace' has also permeated into EPRCM in multiple ways. Firstly, China has explicitly described its provision of infrastructure and developmental aid to Myanmar, as a contribution to the peace process (Alexandra and Lanteigne, 2017). Further, Chinese sources have consistently argued schemes as the BRI, would bring much needed investments in conflict-affected regions in Myanmar, creating incentives for rebel groups to relinquish violence and thus, lead to a cessation of Myanmar's decade-long conflicts (Interview with a representative of JMC, 13 November 2018, Yangon). CMEC, as part of China's signature BRI, and the BRI itself, epitomises the height of this 'developmental peace' doctrine in action.

Secondly, developmental peace depoliticises both conflict and development. It undermines the political nature of demands by EAOs, or those of any other group by framing it as an issue of underdevelopment. Not surprisingly, while this 'peace through development' has been viewed as a new phenomenon (Sun, 2019), Myanmar represents the first setting in which it has failed. Long before the current peace process, when the KIO in the 1990s signed a ceasefire with the Tatmadaw, the political demands of Kachin communities were side-lined, and 'development' was promoted,

in the form of road infrastructure, increased trade and investments (largely from China), to, allegedly, improve livelihoods (Woods, 2011). After 17 years of experiment, this 'developmental peace' broke down. While the people benefitted from a growing local economy, their resentment persisted, due to the lack of addressing of such political issues as health, education, policing, and not least, the question of exclusion, as well as concerns about detrimental impact of 'development' on the environment and communities (Farrelly, 2015). Thus, any reintroduction of this 'developmental model' is likely to be viewed as an attempt to divert attention from critical issues such as inclusion and power sharing, and has the potential to discredit the peace process as a whole (Interview with a think tank representative, 15 November, 2018, Yangon). Further, in practice this developmentalism is also at odds with 'holistic development', which prioritises social well-being, a feature which China itself aims to incorporate into its domestic policies (Wang, 2011).

Thirdly, ideas of development during peace processes are enmeshed with relevant debates on federalism, which are centred on natural resource sharing and ownership of land. Investment decisions that seek to foster 'developmental peace' can distort these debates. As mentioned in the case of Myanmar, while discussions on federalism and equitable sharing of resources are yet to firm up in the peace process, the Government in Myanmar has been issuing licences to Chinese companies to invest in extractive industries, plantations, and dams amongst others. There is, therefore, some concern from ethnic communities who wants investment decisions to be postponed until discussions on equitable distribution natural resource firm up in the peace process (Pyidaungsu Institute, 2017).

Fourthly, in its impact on the peace process itself, 'developmental peace' presents a mixed picture. BRI has made regional stability a pre-requisite for its success, making it difficult for ethnic armed groups to continue fighting across the border (Glauert, 2018). On the other hand, there is also cause for concern, for as the massive infrastructure, promised by the BRI, makes it easier for transport of drugs, and illegal weapons, and oils the war economy (Interview with peace negotiator, 15 November 2018, Yangon). This is more so as multiple challenges, including the pervasive illicit

trade, the drug economy, and the question of environmental degradation, are all connected to the dimensions of war and peace in Myanmar (Myint-U, 2020).

'Developmental peace', can be analysed as being in direct contrast to peacebuilding. Rather than viewing liberal vehicles of democratisation, the rule of law, or inclusion as pathways to peace, it sees 'development' as a route to peace. Peacebuilding, in turn, is seen as ineffective in furthering social protection, economic development, and the reduction of poverty (Pugh, 2002). Noting liberal peacebuilding's lack of focus on developmental gains, the UN, itself, has underlined the 'urgency of prioritising development and ensuring its full integration into peacebuilding efforts' (United Nations, 2010). This analysis is echoed by an evaluation of the situation on the ground, where Western states, more broadly, have overlooked the economic desperation of the poor, in favour of political questions premised on liberalism. In fact, in 2007, when Myanmar's monks rose up in protest against the state, the West enthusiastically framed it as a pro-democracy protest. Named the ' Saffron Revolution', it quickly acquired a democratic framing, though it ignored the socio-economic desperation of the poor: a crucial dimension of the protest (Myint-U, 2020). Further, instead of supporting the industrial capacity of the state, which would have benefitted a huge swathe of impoverished people, sanctions were imposed to address liberal considerations of democracy and human rights (Farrelly, 2009). While India and China claim not to export their national approaches to the peace process, such models, centred on developmentalism, can have a normative attraction for conflict-affected states frustrated by a Western bias on human rights and democracy (Cabestan, 2012; I. Taylor, 2012).

EPRCM confirms the developmental focus in Chinese engagement in Myanmar, though not its avowed originality, but discards it in the case of Indian engagement in Nepal. A few interviewees in India tended to differentiate liberal peacebuilding from the Indian model, stating 'we are more focused on developmental outcomes' (Interviews, October 2018, New Delhi). Further, India's development cooperation, during and after the peace process, has focused on the implementation of infrastructure and connectivity projects in Nepal, which are commended as sources of progress and

stability in the region (Ministry of External Affairs, India, 2017a). This focus, however, is neither new, nor is its peacebuilding function evident. Since the 1950s, India has consistently been a core development partner in Nepal (Sridharan, 2020). However, development, as a form of conflict resolution, rarely featured in interviews in Nepal, and has not been written about. Rather, as two former Indian ambassadors to Nepal noted, India's ineffectiveness in the delivery of development projects, was seen to be a core priority for redress in bilateral relations. This invisibility, of the 'developmental' side of Indian engagement, can also be attributed to India's profound involvement in the political process, which has shaped the outcomes of the peace process, and has tended to eclipse its considerable developmental support outside the peace process.

Rejection of the Purported Universality of 'Liberal' Solutions

Through the distinctness of its engagement, its hesitancy to cooperate with liberal peacebuilders, as well as an ambivalence towards the various concepts that bind liberal peacebuilding projects, such as SSR or inclusion, EPRCM denies the 'universality' of liberal peace, or the idea that it can be a universally applied as a solution to rebuild conflict-torn societies. In rejecting the universality of the 'liberal peace' proposition, EPRCM validates the continued embrace of ideas of independence and autonomy, which have dominated the scholarship on Indian and Chinese foreign policy (Gill, 2010; Hall, 2013; Khilnani et al., 2012; Wang, 2011). Even in their engagement on international crises, emergent powers are seen to prioritise preserving their own interests and autonomy (Parlar Dal, 2018).

This rejection of the universality of liberal peace, based on considerations of autonomy, has been repeatedly highlighted in statements and policy pronouncements by Indian and Chinese authorities. For instance, the former Indian Minister for External Affairs categorically stated: 'Every country has to evolve its own model of governance and development. No one model is perfect and fits everyone. Nor can it be transplanted into another matrix' (Ministry of External Affairs, India, 2008). Similarly, the White Papers on China's National Security, emphasised: 'Each country has the right to choose its own social system, development strategy and way of life, and no

country should interfere in the internal affairs of any other country in any way or under any pretext' (Information Office of the State Council, 1998). Scholars have drawn similar conclusions on India's stance on the international promotion of democracy, where, despite its rich democratic heritage, India has been cautious about endorsing democracy (Choedon, 2015). A scholar-diplomat in India remarked, 'India, based on its own experience, firmly believes that stability comes from democracy. Given this belief in democracy India has been hesitant to supporting authoritarian regimes, but even then we have not proselytised democracy, as there is no universal way of doing things' (Interview, 2 October 2018, New Delhi). The same can be said of China, albeit in a different manner. An analyst in Myanmar stated: 'Despite being the biggest Communist country in the world, China did not inhibit democratic transition in 2011. Rather it swiftly adapted and engaged the democratic forces once NLD came to power' (Interview with former diplomat, 19 July 2017, Yangon).

In the realm of peacebuilding, this rejection of the superiority and universality of 'liberal peace' manifests itself in India and China not engaging with liberal peacebuilders, or promoting any of the central tenets of liberal peacebuilding. Witness their aversion to using the language of norms such as inclusion, SSR, or human rights and transitional justice, as well as their dislike of recommendations on such technical aspects as policy reform, or the content of peace accords. Any prescriptions, from India and China, have, in turn, been on such core issues as cross-border stability.

In exploring the reasons for this rejection, apart from both countries' normative inclination towards independence and respect for sovereignty, interviewees in India and China pointed to the 'impracticality', and 'unsuitability', of liberal precepts for countries in transition. EPRCM questions the promotion of a 'liberal' ideology, stemming from the experience of the West, which seeks to cohere and homogenise countries, through an acceptance of liberal values. In discussions around the suitability or otherwise of liberal precepts, the norms of human rights and the concept of transitional justice were routinely raised in conversations in India and China. Discussing human rights, a Chinese academic remarked, 'For developing countries, the most fundamental human right is survival which needs one to be materially

sufficient. If a country develops to middle-income level, then they can start talking of human rights. It is easy for the Western countries to preach human rights as they are materially sufficient' (Interview, 22 December 2017(a), Sichuan). Reflecting similar sentiments, an Indian scholar-diplomat marvelled about how the entire concept of transitional justice was, in his view, misplaced. He outlined, 'why arrest a soldier for human rights abuses when you cannot arrest the political leadership who gave the command' (Interview, 2 October 2018, New Delhi). The lacklustre performance of transitional justice globally, makes it a common target of criticism in such discussions.

The focus on the unsuitability of liberal peace, interestingly complements the critiques of liberal peacebuilding. It resonates with the reflections of peacebuilding scholars, who note that democracy, human rights, and the idea of the state, are not necessarily universal values, or appropriate in conflict-affected societies (Newman and Richmond, 2006). Similar sentiments are shared on such issue- specific areas, as inclusion or transitional justice. It is argued that the logic that undergirds peacebuilding programmes, of inclusive processes leading to inclusive outcomes, has been proved false (Castillejo, 2014). Likewise, the monumental expenditure on transitional justice processes has been critiqued for not producing outcomes, in terms of any implementation of recommendations from Transitional Justice Commissions, or the rate of trials and conviction rates (Fombad, 2008).

Pragmatism and Dismissal of Templates

A core assertion of EPRCM is an absolute form of pragmatism that rejects solution-based technocratic approaches to peacebuilding built on standardised templates. Pragmatism necessitates that their engagement in peace process evolves and shifts, in accordance with domestic priorities, as well as with the fast-changing political landscape in conflict-affected states. Further, the immediate stakes such countries, as Nepal and Myanmar, have, in Indian and Chinese domestic security and economy has meant that their engagement must adapt quickly, and cannot afford to rely on policy paradigms. EPRCM thus confirms the 'pragmatic turn', routinely iterated in the scholarship on Indian and Chinese foreign policy, where India and China are seen to be shedding their ideological mantles, to adopt a more pragmatic approach (Bhalla,

2012; Ganguly and Pardesi, 2009; Lampton, 2013; Miller and De Estrada, 2017; Mukherjee and Malone, 2011; Narang and Staniland, 2012; Shirk, 2007; Stenslie, 2014)

EPRCM adds conceptual flesh to the debate, identifying the processes and reasoning behind the pragmatic turn in engagement in conflict-affected states. On the ground, this template-free, pragmatic approach is visible in the shifting stances of Indian and Chinese engagement. Despite decades of support to the Tatmadaw, including shielding it from international condemnation, China was quick to engage with the opposition, the NLD, even before the 2015 elections, and even when the NLD was seen to be close to the West (Li and Lye, 2009; United States Institute of Peace, 2018). Similarly, India moved swiftly from branding the Maoists as terrorists, to mainstreaming them through a peace process, to then 'trimming their sails' after they were thought to be detrimental to the interests of the NA (Adhikari, 2014; Jha, 2014).

In the regional peacebuilding realm, given the multiple interests and multiple levels of engagement of India and China, a 'policy' paradigm can be more of a liability than an asset. Writing on the Indian position on the Maldives, a former Foreign Secretary of India affirms, 'India has never taken an evangelical position in championing the cause of democracy abroad when this comes into conflict with its perceived strategic interests. On the whole, this has served the nation well' (Srinivasan, 2016). This pragmatism also allowed India not to be involved in discourses of human rights, inclusion, or transitional justice, but rather to use it to suit its interests. Similarly, the absence of coherent and principled policies on conflict-affected states, has allowed Chinese business interest to flourish in conflict zones such as Afghanistan and Sudan (Alden & Large, 2015).

The conclusions, gained from interviews in India and China, highlight that templates and rigid policies for peace inherently overlook the contextual challenges, and are not amenable to post-conflict states, which are rapidly changing. Reinforcing China's stance on policies and templates, a Chinese academic remarked, China 'does not have polished papers on peacebuilding. Rather we evaluate issues of peace and conflict in a

case-by-case basis' (Interview, 27 December 2017, Sichuan). Similarly, in challenging the UN's approach in Nepal, India's former diplomat to Nepal remarked, 'UN always has a formula. They are not negative in their meaning but have little idea about local realities. Models brought about from other countries do not work' (Interview, October 8 2018, New Delhi). More practically, policies and templates need an institutionalised approach, which requires uniting different interests, and priorities, at various levels (Parlar Dal, 2018). The sheer pluralisation of foreign policy in India and China impinges on the upholding of any kind of institutionalised single strategy. The absolute number of cross-border ties and provincial players such as Uttar Pradesh and Bihar in India, or Yunnan in China, as well as political parties like the BJP, make a coherent policy campaign almost impossible.

This aversion to templates is at variance with the scholarly focus on emergent powers' 'peacebuilding policies'. Many scholars lament that none of the emergent powers have peacebuilding policies (Call and de Coning, 2017). Yet others highlight, 'China is expected to weigh in constructively to global problems but it lacks any such post-conflict and fragile state policy' (Alden & Large, 2015, Pg. 124). This fixation on templates is illustrated by a procession of 'policies' and strategies, formulated by peacebuilders: the Fragile States Strategy from the US, the Framework for working in fragile and conflict-affected states from Australia, States of Fragility Reports of the OECD, to name but a few (AusAid, 2011; OECD, 2018; USAID, 2005). While both academics and the Western policy community await the emergence of a policy paradigm on peacebuilding, they overlook the pragmatic dimensions of Indian and Chinese foreign policy, which needs it to be 'unrestrained by policies'.

Seeing peacebuilding as 'template-based', and hence at odds with EPRCM, can be debated. For one, these policies, premised on liberal values, have been compelled in practice to adopt illiberal and hybrid forms (Boege et al., 2009; Mac Ginty, 2010; Richmond, 2015). Further, scholars also argue that peacebuilders have adopted a 'goal-free' version where the aim is no longer on creating liberal states (De Coning, 2018). However, where EPRCM differs, even from the 'goal-free variant' of peacebuilding, is that 'liberal' values are neither the starting point nor the endpoint. Rather, neither

'liberal or illiberal dichotomies', nor the policy space they occupy, have a place in EPRCM. The only rationale guiding their engagement is an unbridled and unashamed pragmatism.

However, with no policy or template to guide Indian and Chinese regional engagement there have been calls to establish a national approach. These calls might lead to some form of policy emerging in due course, but perhaps not in the immediate or short term (Interview with foreign policy analyst, 1 October, 2018, New Delhi).

Prioritisation of Regional Stakeholders

Emergent powers have tended to focus, at the regional level, on issues of conflict management (Parlar Dal, 2018). With this focus, EPRCM seeks to differentiate regional hegemons, such as India and China, with immediate stakes in the region, from the 'wider peacebuilding community'. Stemming from their core identity as 'regional powers', the regional dimension 'matters quite significantly for both China and India, not least because they share a contested region and are competing within it' (Narlikar, 2019, Pg 22). Given the depth of their interests, they do not see liberal peacebuilders as core 'stakeholders' in the dynamics of war and peace. This is clear in their words and their actions. As a researcher in India confirmed, 'India is a stakeholder and that all that was at stake for peacebuilders was a success story' (Interview, 3 October 2018, New Delhi). Seeing peacebuilders as external third-parties rather than stakeholders, India and China do not attend multilateral donor forums on peacebuilding, or even co-fund similar issues (Wagle, 2016). By the same token, Chinese sources defend this sense of exclusivity through such statements as, 'it is all but natural for China to exclude others actors in their region. Would the US involve China on issues pertaining to US-Mexico bilateral relations?' (Interview with a researcher, 13 July 2017(a), Yangon).

This purported distinction between 'regional stakeholders' and peacebuilders also stems from their confidence in having greater knowledge of regional realities, and importantly seeking to be different. In discussing India's different interpretation of

conflict in Nepal, based on its in-depth understanding of the situation, an Indian scholar remarked: 'India knew the pulse of the conflict in Nepal. For the West, the conflict was due to marginalisation and state oppression but for India, it was not only a problem of exclusive state, but a power struggle. The leadership of the Maoist were based in India for nine out of the ten years of the civil war and we knew their agendas' (Interview with researcher, 3 October 2018, New Delhi). This approach places liberal peacebuilders as outsiders, detached and unaware of contextual urgencies.

Equally, emergent powers understand that conflict-affected societies themselves know how to restructure their societies best, and can do it by themselves, rather than calling on liberal peacebuilders to propose solutions. An Indian diplomat, formerly posted in Nepal, stated: 'I was asked by the UN if India has any Constitutional experts. We said No. Nepal already had five prior constitutions, so we believed Nepal had sufficient experience as well as a host of constitutional experts to do the job' (Interview, 14 October2018, New Delhi). Similarly, on Nepal's journey to SSR, another diplomat remarked: 'Nepal did not follow any template provided by others. Its attempt to manage arms and armies at the end depended on the comfort between the other parties and the Maoists, based on the practical wisdom. And Nepal did have a largely successful process' (Interview, 8 October 2018, New Delhi).

In locating peacebuilders as outsiders, in many instances, EPRCM have constrained the engagement of liberal peacebuilders, when they see them as detrimental to regional interests. India's role in limiting the mandate of UNMIN, as well as campaigning for its early exit from the Nepali peace process, testifies to this trend (Jha, 2014). Further, when EAOs have asked such international actors as the US, and the UK, to participate in the peace process as formal witnesses, China has not only resisted this, but also incited EAOs, in the Northern border, to protest vehemently against undue Western influence in the peace process (Institute for Security and Development Policy, 2015). In this dispute, the engagement of peacebuilders in the borderlands has been a particularly thorny issue. India registered its protest to both UNMIN and OHCHR about their involvement in the Nepal-India borderland. China, similarly, has deeply

resented a Western presence in the Kachin borderlands of Northern Myanmar (Myint-U, 2016b; United States Institute of Peace, 2018).

EPRCM thus confirms the uneven nature of multilateralism of India and China, where at the global level there has been an increased engagement with states, organisations and entities of the liberal world order; but in the region, it is governed by bilateralism (Cartwright, 2009; Hughes, 2016; Jackson, 2016; Wagner, 2012; Yahuda, 2007). Empirically, this multilateralism has also been noted outside the region, where China has demonstrated its readiness to undertake experimental trilateral cooperation, with traditional donors such as the US, the UK, and Australia in third countries (Zhang, 2020). EPRCM, however, adds to the debate on uneven multilateralism, or the penchant for bilateralism in the region, by arguing that, regionally, emergent powers, rather than engaging multilaterally, actively contest multilateral or third party efforts. However, exceptions to regional multilateral engagement are those complex contexts, where India and China might not have any experience, or capacity. Discussing Chinese engagement in Afghanistan, a Chinese academic stated that 'China does not have confidence in dealing with some new and emerging patterns of conflicts. China prefers multilateral cooperation in such situation. But when it comes to traditional security concerns, China prefers bilateral cooperation' (Interview, January 5, 2018(a), Sichuan). A comparable interpretation can be made of India's engagement in Afghanistan.

Limits of EPRCM: The Distinctions between India and China

While EPRCM connects the approaches of India and China in the region, it cannot obscure their differences. This adds yet another layer of complexity to discussions of the similarities and differences between emergent powers and liberal peacebuilders. Countries, like Nepal and Myanmar, have walked a tightrope, balancing peacebuilders and emergent powers. They have had to balance India and China too. As regards the peace process, Nepal has more of a balancing act than Myanmar, for India has played a limited role in Myanmar (Interview with representative of a Signatory EAO, 22 November, 2018).

Differences Between India and China in their Approaches of Engagement

Some notable distinctions emerge between Indian and Chinese approaches to the peace processes of Nepal and Myanmar. Firstly, despite the engagement of both major powers, at national and macro-level political processes during transitions, differences surface in the forms of their political engagement. Within this macro-political engagement, India has invested in internal political developments, including regime change, on the pretext of 'security implications', or in order to offset the target country's unfriendly strategic choices, thereby angering neighbouring states and increasing anti-India sentiments regionally (Jacob, 2016). So involved is India in the seating and unseating of governments, as well as other national political changes, that politicians in Nepal have regarded India as the supreme source of their power, or their demise (Adhikari, 2014). Prime Minister Prachanda publicly accused India of the collapse of his government, after India engineered an anti-Maoist coalition to protect the NA in 2009 (Deccan Herald, 2009). Similarly, Prime Minister KP Oli blamed India for being behind the Maoist withdrawal of support to his government in 2016, leading to its collapse (First Post, 2016). This differs from the engagement of China, which has no history of directly supporting regime change in their dealings with any government in power in Naypyidaw to date.

Given the varied approach to political engagements, countries in South Asia have used China to balance Indian interference, and have been appreciative of China's non-interventionist policies. However, this is not to say that China has not interfered directly in domestic politics. China's aid to the Communist Party of Burma, as well as its links with various EAOs can be seen as forms of interference. In Nepal too, China is seen to have become more interventionist, in terms of regime support during the peace process. Witness its support for the Maoists to bribe Members of Parliament in 2010, in order to strengthen the regime, and its further support, of the UML and the Maoists in their formation of the Left Alliance in 2017 (Sharma, 2019). This however does not compare to the degree and history of Indian intervention. The distinction between Indian and Chinese approaches to macro-level political engagement is succinctly summed up: 'Political leaders, groups and parties in the neighbouring

countries are shy of identifying themselves with India, not only because they would have to pay a political price for doing so, but also because they are not confident that India would put in its best effort to bail them out when they need India's support. ……. Contrast it with the Chinese style of cultivating leaders and political groups on a sustained basis, not only through financial and political support, but also through personal relations across parties and leaders' (Muni, 2003, Pg. 190). This distinction also points to the differences in the 'coercive capacity' of India to 'get things done'; a capacity which is stronger than that of countries within its regional influence, but weak when compared to that of China (Ganguly, 2017). Further, unlike China's one-party state, India's democratic framework ensures that Indian policies are likely to change with different governments.

Secondly, India's and China's own development successes have been examples for developing countries in Africa and Asia (Cheru and Obi, 2011). However, their individual models are markedly different, in their political and economic foundations, reflecting their diverse internal governance systems. India, a federal and democratic state, is presented as a country struggling with internal problems, but nevertheless rising economically. On the other hand, despite China's authoritarian polity, and state-backed market economy, it has seen unprecedented development, and has carried out the world's most successful poverty alleviation programme. In the peace process, their institutional mechanisms present differing, and even opposing, examples to groups in Nepal and Myanmar. Citing an example of the influence of a Chinese form of governance, a think tank representative remarked: 'China's administrative model is built with a strong state at the centre and autonomous provinces, focused on economic development. The UWSA want to see this model of economic autonomy leaving out fundamental political questions to the Centre. While other EAOs want to model of federalism, which resembles other countries with ethnic diversity including India (Interview, 15 November, 2018, Yangon). Similarly, other mechanisms of inclusive governance in India, such as affirmative action, and federal experience, founded on the basis of linguistic identity, have been a major source of inspiration for groups in Nepal championing identity-based federalism (Hachhethu, 2014).

Thirdly, their level of engagement with other Western states, and those global institutions dominated by the West, is also varied. Armed with a Security Council veto, China seems to be more comfortable working with the UN, rather than individual Western states (Alexandra and Lanteigne, 2017). This is evidenced by the fact that China was only willing to share space with the UN, as the other formal observer in the peace process in Myanmar (Institute for Security and Development Policy, 2015). This confirms assessments beyond the region, where China is seen to empower the UN, as the only legitimate decision-making body, when it comes to finding global solutions to issues of peace and security (Breslin, 2013). Contrast this with India, where India seems to be more comfortable working with individual Western states, such as the US, the UK or the EU, rather than the UN. Its hostility towards UNMIN, and its working with the UK and the EU, albeit limited to joint statements on Nepal for now, demonstrates this trend.

Lastly, Indian and Chinese differences surface around sheer capacity of engagement. There is a considerable economic and political asymmetry in Indian and Chinese engagement globally, which is also felt in their regional engagements. India's central role in the Nepali peace process, and peripheral role in that of Myanmar, contrasts with China's significant role in Myanmar, but also its heightened role in Nepal. This reflects China's growing engagement in South and Southeast Asia. Although Indian engagement is prominent in South Asia, it has yet to match China's in Southeast Asia. Despite India's increased prioritisation of engagement in Southeast Asia, through such policies as the Look East policy, and investments on infrastructure and connectivity in the region, these commitments have yet to materialise (Atmakuri and Izzuddin, 2020). While there is recognition in Myanmar that India should, and could, play a more important role in in the peace process, there is an acknowledgement that it is unlikely. A peace negotiator said, 'We all want India to be more active but Indian obsession with Pakistan inhibits meaning full engagement elsewhere.' (Interview, 15 November 2018, Yangon). This was further substantiated by an acknowledgement of the red tape and bureaucracy surrounding Indian engagement in Myanmar. A representative of the signatory EAOs in the peace talks remarked, 'when the Chinese commit we know we will get it tomorrow, when India commits we know it will take a few years to come

by' (Interview, 22 November 2018, Yangon). Even within the Indian diplomatic and academic community, there is a recognition that India has committed to increased engagement, on which it has been unable to deliver, more specifically in infrastructure projects, which have taken years if not decades to materialise (Interviews, October 2018, New Delhi).

China's Foray into South Asia and India's Embrace of the West

The scale and intensity of China's engagement, especially after the launch of its BRI, has furthered reinforced the divide between Indian and Chinese approaches in South Asia. In addition the BRI has escalated India's worries about China challenging its position as a regional power (Ganguly, 2018). Even before the advent of BRI, India was already coping with Chinese inroads into South Asia, with critical trans-border infrastructure projects, including the Friendship Highway to Nepal, the Karakoram Highway between Xinjiang and Pakistan, as well as ports at Gwadar (Pakistan), Hambantota (Sri Lanka), and Kyaukphyu (Myanmar) (Baruah and Mohan, 2018). India views the BRI project as a deliberate Chinese plan to formalise its strategy of making inroads in South Asia (Jacob, 2017). Indian suspicion has increased due the enthusiastic welcome South Asian countries have accorded the BRI, at a time when India itself plays no part in the initiative. India's decision, not to join the BRI, emerges from concerns about the violation of sovereignty, given that the BRI's China-Pakistan Economic Corridor passes through such contested territories as the Pakistan-occupied Kashmir, in addition to China's unilateral decision to embed the Bangladesh, China, India and Myanmar Economic Corridor into the BRI framework (Blah, 2018).

BRI has elicited varied responses from India. Beijing's drive has stimulated India to review and rethink on its own approach to connectivity and infrastructure development in the region, more so in frontier areas (Jacob, 2017). The Indian government has announced such plans as the Bangladesh–Bhutan–India–Nepal Initiative to enhance regional connectivity (Baruah and Mohan, 2018). Additionally, India has started articulating norms that seek to distinguish it from China and appear close to standards and norms articulated by Western states and multilateral institutions. India's Ministry of External Affairs spelt out its reservation on joining BRI as: 'We are of firm belief

that connectivity initiatives must be based on universally recognized international norms, good governance, rule of law, openness, transparency and equality. Connectivity initiatives must follow principles of financial responsibility to avoid projects that would create unsustainable debt burden for communities; balanced ecological and environmental protection and preservation standards; transparent assessment of project costs…' (Ministry of External Affairs, India, 2017b).

More importantly, BRI has compelled India to rethink its global alignments, which is likely to change how it interacts with Western states in the region, thus fostering closer relations with such third parties as the US, and forming a diplomatic coalition against China (Bajpai, 2017). India, which has traditionally sought to exclude Western powers from regional engagement, is now considering cooperative projects with Western states on connectivity, good governance, and development, in order to counter Chinese engagement in Africa, Iran, Sri Lanka, and other Southeast Asian countries (Baruah and Mohan, 2018). This is reciprocated by Western states, who have welcomed partnerships with India, not only for access to the Indian market, trade, and investment, but also because of the growing alarm about the rise of China in the West (Tellis and Mohan, 2015). This mirrors the wider trend, where the West has viewed India as the most attractive partner, amongst the rising powers, owing to such factors as its democratic political system (Narlikar, 2013). Accordingly, India's relations with regimes, such as Iran and Myanmar, as well as its expansive interests in Africa, have not caused the level of alarm that China's stance on similar issues have aroused in the international community (Kugiel, 2012). Although India's relationship with the West is still at an embryonic stage, it might signal increased cooperation as things evolve further, and thus change the terms of EPRCM.

EPRCM and Interaction with Liberal Peacebuilding

Having outlined the motivations of EPRCM, and its limits, this chapter now turns to how EPRCM interacts with and impacts liberal peacebuilding. In outlining the interaction between these two forms of engagement, it also draws inferences on the

debate about emergent powers and their engagement with the liberal world order in general. Finally, the state of liberal peacebuilding is assessed.

Co-existing with Liberal Peacebuilders

Unlike other alternative forms of peacebuilding, including illiberal peacebuilding, and ACM, that have side-lined or co-opted peacebuilding (de Oliveira, 2011; Lewis et al., 2018; Smith, 2014); EPRCM has both restricted and facilitated a space for liberal peacebuilding. On the one hand emergent powers have sought to limit and constrain the scope of the engagement of peacebuilders in their regions. Witness India's difficult relationship with UNMIN, or China's attempt to limit the role of peacebuilders in the formal NCA process (Institute for Security and Development Policy, 2015; I. Martin, 2012). However, the broader political and economic dependence, as well as the entrenched nature of engagement of India and China, has caused elites in Nepal and Myanmar to turn to liberal peacebuilding. Nepal and Myanmar both called for the greater involvement of liberal peacebuilders, in the initial phases of the peace process (Kumbun, 2019b; Sharma, 2017). Over-reliance and dependence on China has proved to be a critical factor in the invitation extended to peacebuilders in Myanmar (United States Institute of Peace, 2018). In addition, the involvement of peacebuilders is also thought to help the peace process become more holistic. In Nepal, a human rights activist remarked, 'with the absence of peacebuilders, India would have led the peace process, and this would mean that ambitious agendas of state restructuring through inclusion, issues of human rights and justice would not make much headway' (Interview, 18 August 2017(b), Kathmandu). Emergent powers themselves acknowledge that, given their historical disputes, and deep-seated dependence, countries like Nepal and Myanmar will be keen to rein in external third parties to balance their engagement (Lintner, 2016b; Martin, 2012; Muni, 2012; Sun, 2012a).

It is often the case that, despite their reluctance, emergent powers are obliged to share space in the peace process with peacebuilders, or delegate the management of some of its aspects to such peacebuilders as the UN, due to their own inexperience, or the likelihood of controversies that their involvement might cause. For instance, India

initially opposed the UN's role in managing some critical aspects of the peace process, but the Nepali political leadership was quick to point out that, if the UN could not be brought in, India would need to undertake it, which was something India was not prepared to do (Muni, 2012). This paradoxical interaction, where EPRCM both constrains and facilitates liberal peacebuilding, enables a negotiated co-existence between the two approaches. This co-existence is '*negotiated*', as despite acknowledgement of the other, these plural forms are firstly, marked by limited interaction between the EPRCM and liberal peacebuilding, given the differences in modality of engagement, thus bringing some form of 'division of labour' between the two approaches; and secondly, in some instances the differences in approach have led to active contestation, as discussed in the section below.

Limited Avenues for Convergence and Areas of Contestation

The founding elements of EPRCM, as examined in the first part of this chapter, deviate from liberal peacebuilding; and the attendant differences in modalities, between the two forms of engagement, limit space for convergence.

As discussed in Parts II and III of this thesis, the engagement of peacebuilders and emergent powers operate on different levels. To start with, the normative and prescriptive approach of peacebuilders is at variance with the norm-free approach of emergent powers that are reliant on pragmatic calculations. More importantly, liberal peacebuilding actors are invested in the everyday deliverables of the peace agreement, while India and China are more interested in macro-level elite pacts. Here, peacebuilders are invested in anchoring the peace process through institutional reform, international normative commitments, supporting peace structures, and broader civic awareness; while China and India's support has largely been around brokering and facilitating negotiations between different political factions, fostering dialogue between various groups, and putting pressure on political developments when it can. Liberal peacebuilding is thus multifaceted while emergent powers have a more limited focus in the peace process, which contrasts with the scale and layers of their engagement in wider bilateral relations, outside the peace process. This has also meant

that more broadly, and to different degrees, peacebuilders have dominated the policy space of the 'peace process', while emergent powers have dominated the 'political sphere', given their influence on all parties. Additionally, given the macro-level political engagements of China and India, the impact of their engagement has an immediate effect, while the normative and institutional focus of peacebuilders take longer to materialise.

Further, while peacebuilders have focused on the formal institutions, of the peace process, India and China's role has been in both formal and informal domains. For example, China has actively engaged with groups in the North, who have, on the whole, shunned the NCA process; while Western donors have, in general, supported groups that have signed the ceasefire agreement, and are based in the South (Interview with researcher, 23 November 2018, Yangon). In the same way, peacebuilders were involved in the processes of the Constituent Assembly (CA), which was supposed to legalise the agendas of the peace process. Meanwhile India was making and breaking coalitions that undermined the CA. This matches the assessment by the Editor in Chief of one of Nepal's largest daily newspapers, who described India as having 'hard power' in Nepal, in contrast to the 'soft power' of peacebuilders (Interview, 10 August, 2017, Kathmandu).

Further, given their dismal focus on deliverables of the peace process, but their vested interest in macro-level political dynamics, they help forge an informal dichotomy or disjuncture between the formal *peace process* and the informal *political process*, where the actual locus of power lies; all of which has a critical impact on the political settlements it seeks to change, as will be discussed in the next chapter. Most importantly, the divide between the high-level political engagements of India and China, and their not so intense engagement in the everyday aspects of peacebuilding, also signals some form of 'division of labour' between the two: working distinctly rather than converging.

The net result of these differences, and the limited areas where they do agree, has been a negligible coordination between the two forms of international engagement. Few

joint projects are visible on the ground, and even sharing information on critical issues is limited. While India and China are conspicuously absent from donor forums, a frequent complaint of peacebuilders is that: 'China appears to be doing its own thing with peacebuilding projects having no access to it' (Interview with researcher, 21 November (b), 2018, Yangon). However, three Indian diplomats, who served in Nepal, were able to confirm their discussions of the macro-level political dimensions with the international community, their attendance at meetings, and their being on calls with international counterparts amongst others. This engagement was considered to be important, to inform the international community about India's interests (Interview with diplomat, 7 October, 8 October, 17 October, 2018, New Delhi). These interviews also confirmed that this was limited to macro-level aspects of the peace process, and not about the everyday management of different agendas of the process.

Despite their differences, the mediation and facilitation of peace agreements, by fostering elite pacts between contesting groups, became a core area of agreement. India's role alongside, and in dialogue with, Western partners, during the facilitation of the 12-point agreements, is one such example. China and the peacebuilders in a similar way, joined together to support the NCA process in Myanmar. However, even in the conversion of these elite pacts into peace accords, both play distinct roles in comparison to those of peacebuilders, as will be discussed in the next section. Yet another area of convergence, though again distinct in modality, is the financial support provided by India and China to some peace institutions. China supported the Joint Ceasefire Monitoring Committee, and the National Reconciliation and Peace Centre, while India gave support to the Election Commission in Nepal, as well as providing equipment, such as camps for former combatants, to help in the process of their management.

This limited space of convergence is not only determined by the elements of EPRCM, but also by the perceived ineffectiveness of liberal peacebuilding. The illiberal face of liberalism, as seen in Afghanistan or Iraq, has led peacebuilding to be viewed as hypocritical and futile. Similarly, the failure to build viable institutions in post-conflict states, has led countries like India to believe, that the net effect of liberal institution-

building projects has been counterproductive (Interview with foreign policy analyst, 1 October 1 2018, New Delhi). There is also a tendency to view the way the liberal peacebuilding community operates, as wasteful and often ineffective. As a diplomat in India cited, 'We are used to doing more with little, which differentiates us from the other international community working in conflict-affected states' (Interview, 14 October 2018, New Delhi). The work of NGOs, who were critical to the delivery of the liberal peace agenda, was also viewed sceptically in interviews with Chinese academics (Interviews, December/ January 2018, Sichuan). The considerable number and spread, of liberal peacebuilding agendas and actors, compounds this. Their operation across state and non-state territories, in both private and public sectors, and at governmental and international levels, makes any partnership with them difficult at a practical level.

As mentioned above, this limited coordination between the two has also taken the form of active protest, where emergent powers have inhibited the scope of liberal peacebuilders. Witness China's protest against a Western presence in the China-Myanmar borderlands, and India's dispute with UNMIN, where it was seen to be seeking a mandate in the Terai, across the Indian border, and as threatening to weaken the NA through debates on the integration of Maoist combatants (Sharma, 2019). Such examples also demonstrate that both India and China have in general co-existed with liberal peacebuilders and, unless they consider their interests could be affected, they have been in fact largely 'indifferent' to peacebuilders.

Interaction between the Liberal World Order and Emergent Powers

The state of engagement between EPRCM and liberal peacebuilding, defined by negotiated co-existence, also helps us draw inferences on the broader question in International Relations, about the engagement of Emergent Powers with the Liberal World Order. When liberal peacebuilding is viewed as a manifestation of the liberal world order, such inferences become crucial constituents in the broader debate.

This thesis began by mapping out the two schools of thought that have shaped the debate, as to how emergent powers will interact with liberal world order. One school presents the liberal international order as integrative and flexible, which creates incentives for non-Western emerging powers, like China and India, to join in (Ikenberry, 2011). The other school of thought asserts that, with differences in an understanding of sovereignty, threats to international security, and statehood, emerging powers will not adapt to the existing liberal order (Hurrell, 2006; Kupchan, 2012). Centring this debate particularly on China, some scholars argue for the existence of a middle path, in which they see a more 'cooperative' partnership emerging between China and the US, described in such terms as: 'G2 with Chinese Characteristics' (Zeng and Breslin, 2016). Others have suggested a possible similar co-existence between the US and China, where each would maintain their own distinct political and economic systems, and would require the US to partially adapt to and accommodate China (De Graaff and Van Apeldoorn, 2018). Yet others argue that China would rather 'free-ride' on the U.S. contribution to global governance than play an equal part (Schweller and Pu, 2011).

India's rise on the other hand is much less discussed. This is in part due to the Indian foreign policy elite shying away from unwanted discussion of India's status, in the belief that it raises expectations of India assuming international leadership (Miller, 2013). However, despite the scale of the debate, the discussion is largely similar to China's. The quest for recognition from established major powers leads it to comply with elements of the liberal order, while a desire to maintain relations of solidarity with developing countries, and Cold War allies, leads it to resist elements of the liberal order (Sullivan de Estrada, 2015). On the one hand, a partnership with the US is thought to be important for its rise, fostering a greater integration with the liberal order (Tellis and Mohan, 2015). On the other, India is yet not ready to leave its allies in the developing world, which would see it leading the global distributive justice agenda and a call for changes to the liberal order (Narlikar, 2013). Yet another voice within the debate views the direction of Indian foreign policy, with regards to the liberal order, to be largely dependent on the dynamics between US–China–Russia in the Asia–Pacific region (Sridharan, 2017).

Looking ‘bottom-up’, from Naypitaw or Kathmandu, the outcome needs revisiting. Here, emergent powers have a ‘negotiated co-existence’ with liberal peacebuilders, but this co-existence is neither about accepting nor totally rejecting liberal templates, but simply about disengaging or engaging minimally with them. Here, India and China do not speak the ‘peacebuilding’ vernacular, or articulate their engagement in the peace process as quests for inclusion, SSR, or human rights and transitional justice, unlike peacebuilders. While this signals a lack of acceptance of the concepts, India and China have not rejected it totally, especially when it does not relate to their direct interests and priorities. Even though their indirect engagement in the wider political economy has limited the scope of these agendas, India and China have not directly undermined these agendas, which have become central themes in the peace processes. In fact, in some instances, they have made use of liberal norms, albeit instrumentally. India, for example, appropriated the language of transitional justice and human rights only once to raise the issue at the UN Human Rights Council. Thus, the alarm over a displacement of the values of liberal order does not yet hold, even in the regions where they wield unprecedented power (Jacques, 2009).

This coexistence is also distinct from the type identified by De Graff and Van Apeldoorn, where the liberal order and its leader, the US, appears to have to make adjustments for China. Rather, in Myanmar, it is China that will need to make adjustments, and adapt to sharing the space with such others as liberal peacebuilders. For instance, given the history of sanctions and entrenched Chinese dependence in Myanmar, Western countries, the UN, and the liberal peacebuilding programmes they support, are new players in the game. Their presence threatens to unravel the existing terms of bilateral relations between Myanmar and China (Goh, 2005; Goh and Steinberg, 2016; Sun, 2012a). Similarly, Indian engagement in Nepal shows that it is the peacebuilders, who were seeking to come to an understanding with India (Whitfield, 2012). Further, the findings, also depart from Schweller and Pu’s assumption that China will free-ride on US contributions to global governance (Schweller and Pu, 2011). In Myanmar, little chance of any profit from such ‘free-riding’ exists, given the insubstantial gains brought by liberal peacebuilding projects,

which have, for the last nine years, barely been able to steer the debate beyond a contested ceasefire regime.

Thus, the discussion on emergent powers and the liberal world order needs to be upturned in such regional contexts as Nepal and Myanmar. Here, the question is best read as how peacebuilders are adhering to, rejecting, or adjusting to, the policies and strategies of emergent powers. In short, this articulation of 'negotiated co-existence' mirrors Kupchan's assertion that while elements of the West-led liberal order is weakening, it is not being displaced by another coherent dominant model (Kupchan, 2012).

State of Liberal Peacebuilding

Beyond EPRCM's paradoxical impact on liberal peacebuilding, where it both constrains and facilitates the space for its engagement, empirical evidence from Nepal and Myanmar can also draw some major inferences, as to the state of 'liberal peacebuilding' on the ground. On examining its ability to leverage the space available to engage in conflict-affected states, some determining factors emerge. These include: the legacy of Western engagement on to which peacebuilding can build; a reliance on formal institutions and policies, which often overlook informal power dynamics; a need to engage the elites, thereby according them some form of legitimacy; a selectivity in their promotion of some issues, while ignoring others; and finally their retreat in the face of an elite backlash. These key issues already feature in the academic analyses of peacebuilding (Barma, 2017; De Waal, 2009; Mac Ginty and Richmond, 2016; Pouligny, 2006). However, the case studies of Nepal and Myanmar add empirical depth to the discourse.

A fundamental criticism of peacebuilding has been its inability to understand the 'local context' in which it operates (Autesserre, 2014; Boege, 2016; Mac Ginty and Richmond, 2013). A comparison of Nepal and Myanmar reveals that, in order to gain the 'ability to comprehend the local context' a prior history of engagement can be relevant. For it determines what influence peacebuilders may have, in trying to apply

key principles of 'liberal peace' to the peace process. In Nepal, peacebuilders gained an important role in policy-making networks, by capitalising on their historical engagement as development donors (Pandey, 2011). In contrast, in Myanmar, peacebuilders were building on a history of sanctions, and their lack of contextual knowledge of the conflicts led them to be marginal in the process.

Secondly, institutions are pertinent, as demonstrated by the centrality of debates on institutional reform on the Constitution, forms of inclusion, federalism, and SSR, in the peace processes in Nepal and Myanmar. However institutions, as well as commitments to institutional reform, are malleable, and can be easily co-opted by elites (Hickey, 2013; Kelsall, 2018b; Pospisil and Rocha Menocal, 2017). These institutions, as Nepal's journey towards inclusion and transitional justice demonstrates, can be limited to a formal adoption only, or renegotiated over time. For instance, Nepal's Commissions on Transitional Justice remains unable to deliver even a basic semblance of justice, while such institutions as electoral systems, affirmative action, and federalism, have been renegotiated. The misalignment between peacebuilders' investments, in building institutions that seek to curb the elite power base, and the power elites continue to wield, leads the elites to circumvent these institutions, through the co-option of peacebuilders.

Thirdly, a fundamental impediment to the commitment to inclusive political settlements is their inability to forgo the dependence on elites. Unlike emergent powers, in principle, there is a commitment by liberal peacebuilders to social justice, inclusion, and poverty alleviation, all of which, if materialised, have the ability to make the political settlements more inclusive. In fact, the very essence of peacebuilding is 'geared to a logic of exclusion and selective incorporation', where those perceived to be committed to liberal peace projects are included and rewarded, while those considered against them are sanctioned (Rasaratnam and Malagodi, 2012). However, despite promoting ideals that seek to constrain the role of elites, peacebuilders rely on elites to coordinate the peacebuilding structure, which means that elites are able to shape peacebuilding interventions to their own interests, or co-opt them when they are not (Barma, 2017; Parks and Cole, 2010). For example, peacebuilders were obliged

to work with the SPA in Nepal, and the Tatmadaw-backed Thein Sein government, in the lead up to the peace process, and by doing so legitimised them, despite both being viewed as champions of exclusive political settlements.

Scholars have noted also peacebuilding's shift to pragmatism (De Coning, 2018; Pospisil, 2019). In Nepal and Myanmar, this is manifested in peacebuilder's ability to selectively promote some agendas, while neglecting others, as well as to alter their engagement over time. This is reflected in their decision to selectively promote the agenda of 'inclusion', while ignoring elements of 'transitional justice' in Myanmar. It can also be seen in the curtailment of support for such contentious issues as transitional justice, as Nepal's peace process progressed, despite having raised it, as a matter of extreme importance, earlier in the process (Dixit, 2011). Peacebuilders, thus, have selectively abandoned graver agendas of human rights and rule of law, to focus on achievable, and smaller, projects and initiatives, that do not 'rock the boat' of the status quo or lead to an elite backlash.

Lastly, and perhaps most importantly, is the peacebuilders' practice of relinquishing their support, in the face of an elite backlash. In Nepal, as the peace process was drawing to a close, peacebuilders were asked to refrain from commenting on contentious domestic issues, and to reduce their support on 'political' issues (Drucza, 2017). In fact, in 2018, Nepal decided not accept any funds from donors for legislative processes, which were key sources of international support during the peace process (Ghimire, 2018b). Amid the elite backlash, peacebuilders diluted their support for marginalised groups, and made an abrupt reversal of policy on their promotion of liberal peace. Due to the backlash, DFID withdrew its funding for the Nepal Federation of Indigenous Nationalities (NEFIN) to work on Janajati rights (Rai and Shneiderman, 2019). Peacebuilders, who had fully supported transitional justice in the past, were silent generally, as the peace process progressed (Dixit, 2011). The swift withdrawal and reversal of liberal peacebuilders not only reduced the momentum for change in these issues, leaving marginalised groups in limbo, but also enabled the elites to gain control of the agenda, through their adopting a narrow and minimalist version of their previous commitments (Housden, 2010).

These impediments, however, do not mean that there have not been partial successes. Peacebuilders continue to be called on for their support in peace processes, and continue to be valorised for the legitimacy they can bestow on different policies and processes. They continue to dominate the normative and 'policy' sphere, which shapes the debates of the peace process. Their ability to push through liberal norms, including, human rights, inclusion and civilian supremacy into the peace agreements, and the emergence of these as central agendas in the peace processes in Nepal and Myanmar, does demonstrate the ability of peacebuilders to shape the foundations of political transitions (Interview with peace negotiator, August 6, 2017, Kathmandu). These norms and agendas have strengthened the ideational toolkit of marginalised groups and challenged the political settlements (Yanguas, 2017a). For instance, in supporting 'inclusion', peacebuilders by default, categorise the issue as 'elite's vs marginalised' groups, thus providing a normative ammunition to marginalised groups and legitimising their quest to devolve power away from such elite groups as the Bamars in Myanmar, or the CHHE in Nepal. Through their support for different movements, peacebuilders have created greater space for Dalits, Janajatis and women, in comparison to the pre-war years, despite a failure to honour their commitment as promised in the peace agreement.

Such partial successes call for a reappraisal of the three dominant critiques of liberal peacebuilding, which are described in such terms as: i) 'crisis' (Chandler, 2017) and 'loss of agency' (Pospisil, 2019); ii) 'goal-free' and iii) lacking coherence (Zaum, 2012). The assessment of a loss of agency is accurate, when compared longitudinally, relative to the heyday of liberal internationalism of the 1990s. However, such assessments are largely recondite in the eyes of the subjects of these interventions, and do not reflect the perceptions on the ground about the continued symbolic and normative power of peacebuilders. This chimes with Mac Ginty and Firchow's assessment that 'topdown and bottom-up narratives and understandings of conflict often differ' (Mac Ginty and Firchow, 2016, Pg 308).

Despite appraisal of their diminished influence, in Nepal and Myanmar, peacebuilders are valorised by the legitimacy they accord, and the funding and support they bring, and, significantly, also for how they form a credible counterbalance to the intrusive policies of regional powers. In fact, while Western academics lament peacebuilding's loss of agency, in such cases as Nepal, stakeholders resent the enormity of peacebuilders' agency and power. Despite the razor-thin mandate of UNMIN (Suhrke, 2011), peacebuilders' ability to socially and institutionally organise Nepali society, through the 'power of the purse' (Interview with human rights activist, 18 August 2017(a), Kathmandu), cannot be viewed as a loss of agency. In fact, even regional powers such as India have felt that, in the peace process, Nepal has been more amenable to accommodating demands from peacebuilders compared to those from India (Muni, 2015c). In dominant academic opinion the co-option of liberal peacebuilding by elites, leads to its 'compromise', and thus to a loss of agency (Barnett and Zürcher, 2008). However, the fact that elites are bound to co-opt peacebuilding projects, rather than reject projects and their agendas outright, testifies to the power they wield. For instance, when military elites in Myanmar speak the language of SSR, and elites in Nepal adopt institutions of transitional justice hostile to their own interests, despite seeking to co-opt them later, can be seen as partial successes and therefore as testimony to peacebuilders' agency rather than as a complete failure. This should be hailed as a localisation and regionalisation of peacebuilding practices, rather than viewing the demise of liberal peacebuilding as a fait accompli, and writing its obituary.

Secondly, peacebuilding is increasingly seen to be pragmatic and 'goal-free', and while the studies of Nepal and Myanmar confirm the pragmatism, this pragmatism is far from 'goal-free' (De Coning, 2018). The normative constraints are very much at play and cannot, or perhaps should not, be dismissed. Despite the marginal role of peacebuilders in Myanmar, who have contributed minimal resources and input, they have been able to advance the human rights agenda. In fact, Myanmar was duty-bound to defend itself at the International Criminal Court, as well as face another round of US sanctions in 2018, on grounds of its human rights abuses across the country. Similarly, the UN refused to provide any financial support for transitional justice

institutions in Nepal after 2016, as it did not comply with international legal obligations (UNOHCHR, 2016). Additionally, on seeing the voluntary retirement, with no state monitoring, of former combatants as detrimental to the standard practice of DDR, peacebuilders refused to fund the process, leaving the Nepali state to bear the expenses (Wagle and Jackson, 2015). Beyond these examples, peacebuilders have influenced, and even driven, political forces to embed certain normative commitments in the peace accords in Nepal and Myanmar. These point to a reinforcement of norms, rather than being 'norm-free'. What of course holds true is the selectivity of when, and in which issue-areas, these norms are enforced, and when they are left out. Thus, despite its new pragmatic foundation, and its apparent discarding of a penchant for a wholesale package of liberalism to be transmitted on the ground, vestiges of it remain in the form of an iconisation of such values as democracy, inclusion, respect for civilian supremacy in civil-military relations, and human rights.

In yet another critique, scholars, such as Zaum, call for abandoning the notion of liberal peacebuilding, given the heterogeneity and absence of coherence amongst the, largely Western, actors involved in peacebuilding (Zaum, 2012). Here, there seems to be a stark difference in perspectives: on how peacebuilding is viewed 'bottom-up' by elites in such countries as Nepal and Myanmar, and how it is perceived by scholars, generally in the West. Despite the heterogeneity, in Nepal and Myanmar, consortiums incorporating a mix of actors to lead peace process agendas are very evident. The Nepal Peace Trust Fund, and the Joint Peace Fund and Peace Support Fund in Myanmar are embodiments of this, both of which command an influential space in the peace process. Despite the risk of overstating the homogeneity of liberal peacebuilding (Goodhand and Walton, 2009), a degree of coherence is prevalent when faced with the 'local'. So the US support might focus on democracy, the British support on inclusion, and the Europeans on the rule of law, but in these varied policy domains and narratives, the only space accorded to countries like Nepal and Myanmar is 'one that is lacking in all these liberal tenets'. Perhaps, the feature, that binds liberal peacebuilders, is their pathologising of the 'local', who are seen to lack democracy, accountability for human rights, and the capacity to foster peace. Here, a factor much less discussed, in liberal peace literature, is the absence of diversity amongst 'peacebuilders'. Western delegates

rule the liberal peacebuilding system, in which citizens from Nepal and Myanmar are mere foot soldiers. As a former Minister in Nepal reminded me regarding the invalidity of the heterogeneity of peacebuilders, 'they could be from the UN, EU or USAID. But a lot of the times these are the same people switching between different portfolios. Perhaps the biggest difference is that we don't see people like you and me in the places they are' (Interview, 4 September 2017, Kathmandu). This perception of homogeneity was also evident in interviews where interviewees tended to conflate and use terms like 'liberal peacebuilders', 'West' interchangeably, positing liberal peacebuilding as extension of foreign policy of Western states. The invisibility of Western heterogeneity to the world outside the west, is reflected in the thoughts of a Singaporean scholar-diplomat who writes, 'of the least understood (and surprisingly least studied) phenomena is how the West often functions as a single entity on global issues' (Mahbubani, 2009).

With these critiques not completely reflecting the contextual realities on the ground in Nepal and Myanmar, this thesis underlines the fact that, despite the failures of peacebuilders globally, they continue to hold enough ground. This in part echoes the assertion by Bargués-Pedreny, that peacebuilders, while they have assessed their failures, have only used them to consolidate their dominance in conflict-affected states (Bargués-Pedreny, 2018).

Conclusion

This chapter shed light on the differing languages of peace spoken by India and China, and conceptualised as EPRCM. However, the opposing impulses brought about by these tenets of EPRCM, as well as the unevenness in the delivery of these tenets, is the source of many internal contradictions, which means that EPRCM cannot be pursued in a clear way. While EPRCM highlights the coherence of approaches in India and China, this chapter also sheds light on the differences between their forms of engagement. It also points to a resurgent trend, where India is seen to be attempting to foster greater cooperation with Western states against the rise of China, which is likely to have implications for the validity of EPRCM in the future.

In seeking to understand how EPRCM interacts with liberal peacebuilding, this thesis stresses the existence of a 'negotiated co-existence' between these plural forms of international engagement. This co-existence is marked by divergent modes of engagement, limited interaction and coordination between the two, and active contestation in a few areas. This form of interaction draws inferences for the broader question, of how emergent powers engage with the liberal world order. Here, empirical evidence from Nepal and Myanmar, in the realm of peacebuilding, confirms that liberal values are not being adopted by emergent powers, but neither are they being contested overtly. Rather alternative frameworks such as EPRCM co-exist with liberal frameworks, like peacebuilding, albeit uneasily.

A core inference from this chapter is that EPRCM, given its entrenched nature, leads elites in conflict-affected states to call on peacebuilding, creating a space for liberal engagement. Ironically, this space is also circumvented by emergent powers, especially when the agendas of peacebuilders are seen to be impeding their interests. Having underlined the space available for peacebuilding, this chapter has also shed light on the fragile and marginal state of liberal peacebuilding. However, the chapter has also cautioned that, despite the fragility, the critique about peacebuilding's loss of agency does not entirely reflect its normative authority in countries like Nepal and Myanmar.

Chapter 8: Impact on Political Settlements

Building on empirical insights from Parts II and III of this thesis, and from Chapter 7, which outlined the elements of EPRCM, this chapter outlines how the co-existence of EPRCM and liberal peacebuilding has impacted political settlements. The first section looks at how EPRCM and liberal peacebuilders engage on different elements of political settlement, and the variation in their individual strength. The second section then looks inwards, to see how domestic elites have mobilised plural forms of international engagement to harness greater choice and autonomy. The third part traces how this enhanced autonomy of elites gives rise to hybrid forms of peace that bring a degree of change, but are geared towards strengthening the status quo in the political settlements. The fourth section, draws some inferences for the concept of political settlement, before proceeding to the conclusion.

International Engagement and Impact on Political Settlements

Existing scholarship has established the dialectic relationship between international engagement and political settlements in conflict-affected states: the agency of domestic elites to co-opt and shape international engagements in their favour; and the ability of international engagement to negatively or positively impact political settlement (Barma, 2017; Barnett and Zürcher, 2008; Doyle and Sambanis, 2000; Meehan and Goodhand, 2018; Parks and Cole, 2010). In the contested context of peace processes, where formerly warring groups seek to end the conflict by renegotiating the distribution of power and resources, this dialectic relationship becomes more crucial to the negotiations (Bell, 2015; Kelsall, 2018b). This chapter traces this dialectical interaction, in the context of plural forms of international engagement, and the differences in the influence or leverage of EPRCM and liberal peacebuilding individually, which the scholarship on political settlements has largely overlooked.

Divergences and Convergences on Processes of Negotiating Political Settlements

When discussions on international engagement in conflict-affected states take into consideration the plurality in international engagement, we find a fundamental difference on the 'need to transform political settlements'. Liberal peacebuilders see an inclusive political settlement, which includes all major social groups, as a contributory factor for the durability of the peace process and long-term stability (Rocha Menocal, 2015). Accordingly, peacebuilders have invested resources and diplomatic capital, to intervene in the domestic peace negotiations in the peace process to ensure inclusivity (Bell, 2015; Castillejo, 2014). However, emergent powers do not subscribe to this formula of inclusive political settlements being solutions to conflict resolution. The extent of intervention and institutional engineering required to foster inclusive political settlements is seen to be not only undesirable, from their stability-focused perspective on peace processes, but also unfeasible (Interviews, December 2017 & January-2018, Sichuan; October 2018, New Delhi). More so, as these contradictory readings of inclusive political settlements are launched in conflict-affected states, the outcomes are mixed. On the one hand, liberal peacebuilders have the interest, but not the capacity, to translate their prioritisation of fostering inclusive political settlements in practice. On the other, EPRCM is not normatively committed to the cause of inclusivity. Instead, their engagement shifts pragmatically based on their core interests, and thus, the impact of their engagement is uncertain, and can either support or oppose the momentum for inclusive political settlements.

To trace the how EPRCM and liberal peacebuilding engages with processes that seek to re-negotiate political settlements and the resulting convergence and divergences, I go back to Kelsall's concept of political settlement which was introduced in Chapter 1. To restate, Kelsall (2018) outlines three components of political settlements;

i) An agreement or pact between elites that end the conflicts by re-negotiating the distribution of power and allocation of resources
ii) Political institutions that flow from the elite pacts and have distributional effects, and,

iii) Acceptable distribution of benefit.

If political settlement is looked at through the three-connected elements or stages, the cases of Nepal and Myanmar highlight that there are differences in how emergent powers and peacebuilders engage on these three elements, as will be discussed below.

Element 1: Crafting of Elite Pacts

With EPRCM focused on mitigating instability, it is vested in fostering agreements or elite pacts between warring factions, as a means of ending the conflict. India's role, as the guarantor of the 12-point agreement, paved the way for the Comprehensive Peace Accord, and remained the basis for the peace process in Nepal. Similarly, China's mediation between the EAOs and the government in Myanmar was one of the most symbolic aspects of Chinese diplomacy. Thus, in the crafting of elite pacts, which materialise in the form of peace agreements or ceasefire agreements, there is a synergy between liberal peacebuilders and emergent powers as illustrated in the blue boxes in Figure 8 below.

Despite a broad convergence on the *need* for elite pacts, three differences surface. Firstly, for EPRCM the need for elite pacts is based on concerns for stability. Thus, there is a proclivity for support to elite pacts that is largely focused on horizontal inclusion, or inclusion of contending elites, rather than elite pacts that cater to vertical inclusion, which caters to the relationship between elites and the wider society. This regional push for horizontal 'elite pacts' is noted in the nature of Indian engagement, where it supported the 12-point agreement between the Maoists and the other political parties, which ended the war, but has been averse to the long-term agenda of the Maoists on broad-based inclusion and civilian supremacy, which would have ensured vertical forms of inclusion (Slavu, 2012). Such limited focus, on horizontal inclusion between contending elites, reduces the incentives for elites in Nepal and Myanmar to seek a broader transformation. It also negates the impetus by peacebuilders on a wider social transformation on issues of inclusion.

Secondly, while EPRCM is invested in elite pacts and peace agreements that agree to halt the war, it is not interested in anything beyond that. For instance, the aversion to solution-based templates leads EPRCM to rarely be invested in supporting the content of the peace accord or the peace institutions that follow. Confirming China's role in the NCA process in Myanmar, a representative of JMC remarked, 'The Chinese have not influenced the content of the dialogue. Rather they seem to have very little detail on how things should work' (Interview, 13 November 2018, Yangon). This contrasts with liberal peacebuilders who have actively crusaded to shape peace accords and institutions, and embed international legal norms and global good practice in peace accords. Such a normative thrust was highlighted by a peace negotiator in Nepal, who stated, 'We said we wanted a peace agreement. They (peacebuilders) said it had to be a Comprehensive Peace Agreement. We accordingly added to the content of the accord, including accountability for human rights' (Interview, 6 August 2017, Kathmandu). Such active support for the 'normativisation' of peace agreements is evident in increased references to human rights, inclusion, and different international legal mechanisms in various peace agreements (Bell, 2017b; Kaldor, 2016).

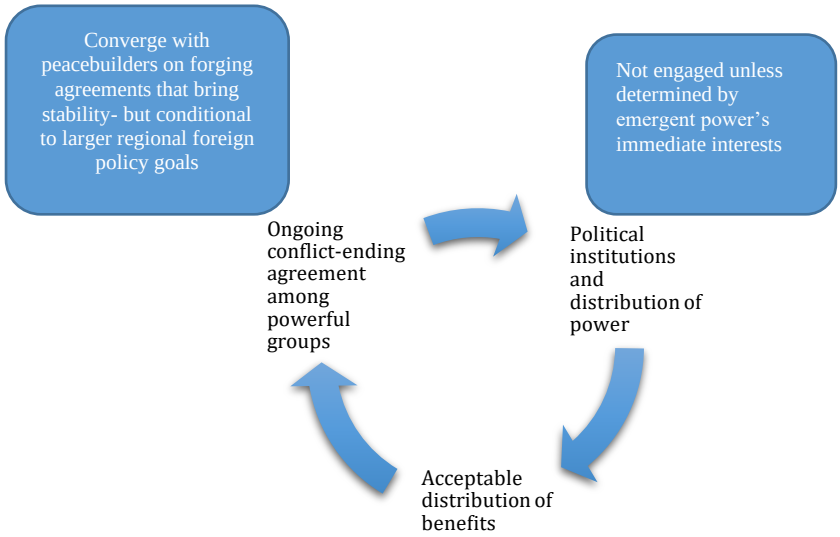
Thirdly, there are other elements of EPRCM, which can place conditions on, or even contravene, this support for elite pacts, rendering it incoherent and inconsistent. EPRCM's prioritisation of regional stakeholders in the making of peace, as well as its developmental focus has, in some instances, led emergent powers to oppose elite pacts, when such pacts reduce their role or impede their developmental priorities. For instance, China dissuaded such Northern groups as the KIO from signing the NCA in 2015, to penalise the Thein Sein regime for the cancellation of the much-publicised China-backed Myitsone dam project, and for providing increased space for countries like US and Japan to engage in the peace process (Myint-U, 2020). However, domestic developmental considerations such as BRI, as well as the leadership of the NLD in Myanmar, which has sought to re-cultivate ties with China, has again led China to use its leverage in trying to forge elite pacts. Similarly, India's support to Madheshi groups for the economic blockade, in the aftermath of the promulgation of the Nepali Constitution, which would have formalised the peace process, stemmed from its dissatisfaction with Nepali elites not taking their proposals on inclusion and secularism

on board, while being more open to accommodating concerns of external parties like the EU and China (Muni, 2015c).

Similarly, given the multi-layered relations that bind India and China to Nepal and Myanmar, 'stability' can be contingent on evolving concerns and priorities in the broader relations, which has an impact on how they recalibrate their stance on elite pacts. For instance, support to cross-border groups are seen both as source of stability and instability at different times. This makes Indian and Chinese support to elite pacts between these groups, and with those of elites in Kathmandu or Naypyidaw, conditional on the vagaries of their national interests. Violence in Madhesh crossing the border and destabilising the country is of paramount concern to India (Nayak, 2011). However, the violent uprisings in Madhesh were seen to be critical in weakening the Maoist base, and thus contributing to strengthening the NA, and this was seen to be of greater importance for Indian stability (Jha, 2014; Sharma, 2019). Such contrasting versions of stability led India to both support and oppose the Madheshi movement. Similar assessments can be noted of China's relations with the strongest EAO groups, such as the UWSA, which have provided some form of stability across the Yunnan border, especially at a time when the political settlements in Myanmar is being negotiated (United States Institute of Peace, 2018). However, China's strengthening of the UWSA, through formal and informal channels across the border, hinders the chances of the UWSA accepting the NCA.

EPRCM's prioritisation of elite pacts leads to certain interpretations. While the literature on political settlements highlights elite pacts as a means to foster stability in conflict-affected states (Kelsall, 2018b; Lindemann, 2011), EPRCM views stability not only as a domestic variable in neighbouring states like Nepal and Myanmar, but as a regional concern that impacts India and China too. In seeing 'elite pacts' as pertinent for regional security, there is a convergence with liberal peacebuilders, and 'elite pacts' are likely to be accepted as a standard norm as the global order shifts to Asia. However, forging 'elite pacts' for stability cannot be taken as a firm policy, but rather as a priority which has at times been contingent to other elements of EPRCM.

Figure 8: Engagement of emergent powers in the making of a political settlement



Element 2: Supporting Political Institutions and Distribution of Power

While there is convergence, albeit conditional, between peacebuilders and EPRCM in forging elite pacts, when discussions on political settlements head to the second element, where institutions that re-distribute power are being designed, the two approaches diverge as shown in Figure 8. To start with, EPRCM does not seek to engage on the everyday aspects of peace process, once elite pacts guaranteeing stability are confirmed. The building-blocks of EPRCM, discussed in Chapter 7, including rejection of the purported universality of liberalism, as well as aversion to institutional templates, ensure that India and China are not interested in supporting institutions, which seek to translate the elite pacts into practice by re-distributing political power.

This departs from liberal peacebuilders, where institutional engineering of conflict-affected states is seen to be central to the making of liberal states (Chandler, 2006; Zaum, 2003). Peacebuilders have relied on several incentives, including aid (Wyeth, 2012), enhanced diplomatic relations, mediation, legitimacy, defence assistance, and trade opportunities; in order to induce conflict-affected states to comply with normative and institutional endpoints on such issues as transitional Justice, SSR and

inclusion. As demonstrated in the case of Nepal and Myanmar, peacebuilders have also aided in the translation of these norms and commitments enshrined in peace agreements, by supporting various peace institutions, leading to many accounts of 'institutional mono-cropping' (Evans, 2004). The institutional focus of peacebuilders is evident from their support in establishing institutions anchored in the peace agreements, such as the Joint Monitoring Committee in Myanmar, the Commissions for transitional justice in Nepal, as well as support for debates on federalism, SSR, and electoral reform. Such institutions, by their very purpose and through the incentives that flow from them, are entangled within larger power dynamics. For instance, Commissions on transitional justice are likely to implicate directly and indirectly, the security agencies and the rebel groups. Similarly, electoral reforms, especially when proportional representation is added, are likely to create critical political space for marginalised groups (Sisk, 2009).

However, there are instances, where India and China have selectively engaged in institutional engineering, albeit when their immediate interests are at stake. This is demonstrated by India's engagement in the debate on inclusion in Nepal. These interests could range from regional policies centred on stability, combating extra-regional presence or influencing policies in the region, or due to the changes in their foreign policy parameters. This selective engagement of emergent powers, in shaping such political institutions, implies that they either choose to disengage or engage and, when they engage, whether they converge or diverge with liberal peacebuilders. Each of these three strategies: *disengagement*, *engagement in convergence* with liberal peacebuilders, or *engagement with divergence* with liberal peacebuilders, has a variable impact on the political settlement, as is discussed below.

To start with, it needs noting that even when India and China are *disengaged* in the process of supporting political institutions in the peace process, their broader engagement in bilateral relations can still have an indirect impact. The flow of resources and ideas, and the legitimacy in broader bilateral relations can indirectly impact the peace process. These influences have been accentuated, with the global rise of India and China, who are able to contribute materially with increased aid, military

support, loans, market access; all of which impact post-conflict institutions (Chaturvedy and Malone, 2012; Lintner, 2016b). For instance, while not vested in the dialogue around federalism and powersharing in Myanmar, large-scale Chinese investments in the borderlands have impacted the negotiations on federalism in Myanmar (Pyidaungsu Institute, 2017). Similarly, India's support to the NA suppressed any meaningful dialogue on issues of transitional justice (Sharma, 2019).

Aside from flows of material support, despite their disengagement, the institutional and developmental models of India and China also provide an alternative normative influence realm (Cabestan, 2012; Taylor, 2012). This normative allure has persevered with the 'power of their example', which impacts how elite groups in Nepal and Myanmar articulate and act on different agendas of the peace process (Interview with the former Indian representative to the UN, 9 October 2018, New Delhi). For instance, a Nepali Prime Minister, in articulating his vision of democracy argued for the centrality of 'right to life' saying, 'no one is left hungry and no one dies of hunger' (Ministry of Foreign Affairs, Nepal, 2019), a view which resonates with that of China on human rights. With the pluralisation of foreign policy, norms also emanate from political parties, witness the ideology of 'Hindutva' propounded by the BJP, which has influenced and shaped the prospects of secularism. Hindutva cannot be viewed as a norm promoted by the Indian state, since only one political party promotes it. Nevertheless, its cascade to Nepal epitomises varied transnational sources of normative influences that serve as prominent alternatives to the liberal one. Here, a salient part of the normative allure is India and China's institutional governance architecture. For instance, different marginalised groups in Nepal have drawn inspiration from India's experience of pathways of accommodation of minorities, from federalism, to affirmative action, experience of a constituent assembly (Hachhethu, 2014; Shneiderman, 2013); while such EAOs as the UWSA have looked at China's system of autonomous provinces.

Thus, in short, despite the indirect impact, the EPRCM's disengagement on supporting institutions, which translate elite pacts into concrete institutions, dilutes the strength of international pressure to support redistribution of power among various groups in

conflict-affected states. Instead, it is often the case that they have the power to undercut the moral and material force of peacebuilders, given their alternative norms well as the material incentives of trade and investment they bring. While the legitimacy of peacebuilders is still coveted, the incentives they bring for elites is far less attractive, as conflict-affected states can procure the same dividends from India and China, without conditions.

Secondly, immediate concerns of stability can, however, compel EPRCM to engage on supporting institutions that seek to redistribute power. In their engagement they can coverge with the approach of liberal peacebuilders or diverge with them. India's role in supporting the Madhesh party and thus catalysing federalism in Nepal, and India's opposition to the 'democratisation of the Army', an important agenda of SSR, can be seen in this light.

Despite the meteoric difference in the nature of support, the support for inclusion by liberal peacebuilders neatly complemented the Indian support for Madheshi political parties, thus galvanising the momentum for federalism. The support by peacebuilders was based on the logic that inclusive processes, where marginalised groups had better stakes in society, would make the peace process more durable (Castillejo, 2014). India's aiding of the Madheshi parties, in turn, stemmed from India's worries about Maoists gaining control of the state, which could be diluted by strengthening Madheshi parties (Jha, 2014; Tamang, 2017). The success of Madheshi politics, apart from domestic factors, which will be discussed below, can be owed in part to some form of convergence between emergent powers and peacebuilders. The liberal canon provided the moral narrative while the Indian support helped with the material aspect.

Divergences can be seen in the issue of SSR. While UNMIN championed the enactment of the CPA's commitment to the 'democratisation of the Army', India saw 'democratisation', and the integration of former combatants into the Nepal Army (NA), as a means of weakening it, with a resulting impact on India's own security (Adhikari, 2014; Jha, 2014). The clash between the Indian position, who invested

diplomatic and material capital into the process, and UNMIN, even led to the latter's exit (Ghimire, 2018b).

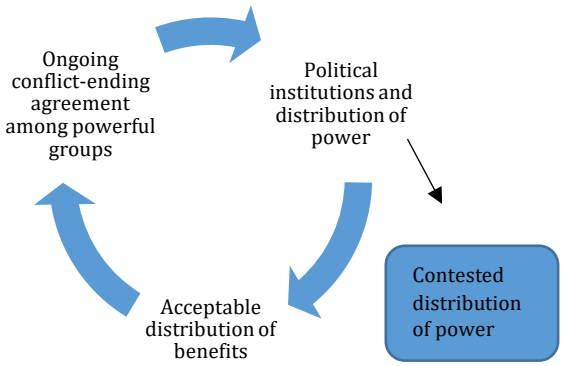
Key inferences can be made. When EPRCM converges with liberal peacebuilders on institution building, it creates sustained international pressure to make political settlements inclusive. Whereas divergences between the two international approaches, on supporting institutions, heightens the misalignment between elite pacts, or peace agreements, and the institutions that develop to support such pacts (Cheng et al., 2018). This misalignment impedes the possibility of discussions on political settlement moving on from the elite pact phase, or Element 1, to the political institutions building phase (Element 2). This is demonstrated by the 'unsettlement' of such issues as SSR and transitional justice, which were promised in the Nepal's CPA, but have not materialised (Bell and Pospisil, 2017).

Element 3: Acceptable Distribution of Benefits

In explaining the third element of the political settlement, Kelsall argues that if a 'settlement is to be sustained, their actual delivery must be acceptable to, that is to say, compatible with the expectations of, the aforementioned powerful groups' (Kelsall, 2018, Pg 8). However, as the case of Nepal demonstrates, despite elite pacts and institutional commitments to redistribute power, such commitments can shift with time, and the 'distribution of benefits' might not be acceptable and continue to be contested. Or to phrase it in simple terms: success in Element 1 and 2 does not necessarily lead to Element 3. Thus as Figure 9 demonstrates, owing to the indeterminacy of the peace process, where power distribution can fluctuate, and new claims on power distribution can emerge, there can be a stage between Element 2 and 3, where the institutions agreed upon earlier can continue to be contested rather than accepted. Given Myanmar's nascent peace process, which is only beginning to discuss the redistribution of power through formal and informal institutions, Nepal serves as the only point of reference. In Nepal, of the three agendas (inclusion, SSR, and transitional justice) discussed in the thesis, only one, inclusion, has transcended the institutional building phase and moved towards the acceptable distribution of benefits

phase (see Figure 9). However, even that 'acceptability' is only partial and much-contested, and is currently being discussed in the form of a Constitutional amendment.

Figure 9: Trajectories of settlements in different peace process agendas



Even in the issue of inclusion, more specifically on federalism, the political impact has been uneven across different groups in Nepal. As demonstrated by the national election results of 2017, while it has benefitted Madheshi political parties, the Janajati and Dalit groups and women's movements have made only marginal gains (Paswan, 2018). Again, Indian support, as well as a coherent strategy of political mobilisation, often accompanied with violent protests, is seen to be the key to the success of the Madheshi movement (Tamang, 2017). It also leads one to conclude that if regional powers had been equally supportive in the other peace process issues, such as transitional justice, it might have had a better fate.

A core inference that stands out in the making of inclusive political settlements, in cases like Nepal, is the centrality of emergent powers vis-à-vis peacebuilders. This centrality comes from the strength of the leverage EPRCM has on political settlements regionally. Thus, national political settlements need to factor in the plurality of international engagement and, importantly, also take into account their comparative levels of leverage in conflict-affected states. It is to the strength of the leverage of the plural forms of international engagement that this chapter now turns.

Differences in the Strength of International Leverage

Along with the variations in the nature of EPRCM and liberal peacebuilding, they also differ in their ability to leverage incentives that will transform political settlements into inclusive ones. EPRCM is deeply entrenched while liberal peacebuilding relatively feeble, undercut both by the agency of domestic elites in Nepal and Myanmar and by that of emergent powers. It is only peacebuilders who have purposively promoted narratives of inclusion, and sought a redistribution of resources, while emergent powers have only instrumentally promoted these issues. The strength of their individual engagement has had an immediate impact on political settlements, for as evidenced in Nepal and Myanmar, although liberal peacebuilders seek to, influence political settlements, and do so, they lack the capacity to effect significant changes, while emergent powers do have the capacity, but no sustained interest to take action.

With immediate stakes in their own stability, as well as their regional foreign policy imperatives, India and China do have a sustained and vested interest in aspects of the transition of both countries, especially on issues that have a cross-border relevance (Dabhade and Pant, 2004; Sun, 2012b). India and China, in a bid to guard their priorities are able to leverage on the asymmetry that exists with countries like Nepal and Myanmar, and make use of such incentives as trade, investment, and access to markets to push through their interests (Sharma, 2019; United States Institute of Peace, 2018). India's support of the economic blockade of cross-border trading points in 2015, which completely cut off the Nepali economy, serves as an example of the extreme levers emergent powers can use to influence post-conflict transitions in their region of influence. Further, the indispensability of India and China in forging elite pacts, and the economic and political dependence of elites in Nepal and Myanmar on these regional hegemons, ensures that they dominate macro political processes. This indispensability is channelled by emergent powers to change the direction of peace processes, with often an immediate impact. For instance, through its direct financing of political parties and the NA, India has made political parties accountable to itself, rather than towards national constituencies (Jha, 2014; Sharma, 2019). Similarly,

through their leverage with the most powerful EAOs, China has been able to control the pace and direction of the Myanmar peace process (Kumbun, 2019a; Lintner, 2016b).

The centrality of India and China in peace processes in Nepal and Myanmar are even acknowledged by peacebuilders themselves (United States Institute of Peace, 2018; Whitfield, 2012). This is more so in Myanmar, where peacebuilders acknowledge that they have limited influence and 'clout', especially in comparison to regional actors like China, and that they cannot match the levels of engagement and investments that come from regional actors (Interview with Head of a Peacebuilding Consortium, 10 July 2017 (a), Yangon).

On the other hand, the engagement of peacebuilders is largely contained within the parameters of the peace process. While peacebuilders have also used levers of bestowing legitimacy, sanctions, and aid to influence processes, these are neither sustained nor as effective as those given by India and China (Farrelly, 2009). Further, as described in Chapter 7, their very modality of engagement hampers their potential to change the pace of the political settlement, as witnessed by their reliance on elites to run the peacebuilding machinery, their dependence on formal institutions, and their inability to understand the context. Perhaps the most pertinent of these factors, when it comes to influencing political settlements is that the very normative foundation of projects, like inclusion, and transitional justice, is viewed as having the potential to constrain the power base of elites, through such institutions as electoral processes and judicial institutions (Parks and Cole, 2010). While this rankles with the elites, it does not sufficiently empower the marginalised groups.

Rather, the engagement of peacebuilders on issues of transforming political settlements might have an unintended negative impact on the state of the marginalised groups within the political settlement. To start with, overt international engagement in shaping political settlements, shifts the locus of accountability making the elites less accountable to marginalised groups, but more so to international actors (Chandler, 2006; Phillips, 2016; Zaum, 2003). Thus, it also inhibits parties from finding local

solutions but rather respond to external pressures (Phillips, 2016). In Nepal, for instance, the processes of the Constituent Assembly (CA) were so internationalised that technical drafts on many themes were prepared by international actors, rather than by CA members in consultation with their constituents (Interview with civil society representative, 16 August 2017, Kathmandu). Further, as the government sought to fast-track the process for its promulgation, allowing only a short time for CA members to vote on it, many CA members had barely read the draft of the Constitution, and thus found it hard to 'own' it (Interview with an Editor-in-Chief, 7 August 2017, Kathmandu).

Conversely, international support to marginalised groups often leads the elites to deride their long-standing demands as 'West- funded', thus diminishing the agency of marginalised groups, and even facilitating an elite backlash against their demands (Interview with activist, 12 August 2017, Kathmandu). Reflecting this sentiment, a peace negotiator in Myanmar, stated 'Peacebuilding agencies have funded and supported the opposition groups, and that there have been historic links between opposition EAOs and the West' (Interview, 15 November, 2018, Yangon). Relatedly, if it is not implemented, such policies as affirmative action or quotas, funded and supported by peacebuilders, can worsen the situation for minorities. Such policies create a public perception that marginalised groups will benefit immediately, generating backlash while it often taken generations' for policies like affirmative action to bring significant change (Rai and Shneiderman, 2019). Further, the support for peacebuilders to marginalised groups can make movements for inclusion appear 'NGOised', with the articulation of demands on inclusion as seasonal as donor requirements (Tamang, 2011).

In balance, what we see is that although the leverage brought about by peacebuilders can irritate the elites, it does not sufficiently empower the marginalised groups either, leaving few constituencies viewing peacebuilders as neutral. Thus, although liberal peacebuilders, and their over-reliance on supporting political institutions, can help with the transition from Element 1 (of crafting elite pacts) to Element 2 (of designing political institutions to distribute power) of the political settlements in Kelsall's

framework, it does not guarantee it then transcending to the third element (of bringing acceptable benefits). This inability to move onwards to the third is demonstrated by Nepal's journey on SSR and transitional justice. Here, while the peace accords committed to these agendas, and institutions were formed to translate these commitments into practice, it never graduated to Element 3, and these issues have instead either been limited to formal adoption only, or have been renegotiated over time.

Mobilisation of International Engagement by Domestic Actors

However the above-mentioned differences in the influence of plural forms of international engagement, on elements of political settlements in conflict-affected states, does not enter a 'political vacuum' but rather an arena of highly contested politics (Chesterman, 2004). This is more so, as social groups seek external support to gain some local advantage in their pursuit to change political settlements (Barma, 2017; Khan, 2018). While both elites and marginalised groups mobilise external support, the sheer plurality of international engagement enhances the choice for national elites. As the Indian strategist, Raja Mohan, points out regarding the increased strategic options for countries like Nepal, 'When you have single vendor- it is the sellers' market but when you have multiple vendors it is the buyers' market' (Mohan, 2020). The buyers here are the elites in Nepal and Myanmar, who are able to harness and choose from multiple vendors in the crowded marketplace of the peacebuilding arena. However, alongside this multiplicity of vendors, the differences in their approaches to the renegotiation of political settlements, as well as the disparity in the strength of their leverage, as discussed in the section above, introduce complex and contradictory incentives to elites in conflict-affected states.

Elites in Nepal and Myanmar have been able to capitalise on these differences of priorities, and the contradictions between the approaches, and instrumentalise them to suit their interests (Cheng et al., 2018). In looking at how domestic groups, largely

elites, have interacted with peacebuilding, scholars have looked at three facets. Elites are said to either comply, co-opt, or resist peacebuilders, and most accounts see peace is being co-opted (Mac Ginty, 2008; Newman et al., 2009; Pugh, 2005; Richmond and Franks, 2009; Zaum, 2003). The empirical insights from Nepal and Myanmar in the context of plural forms of international engagement attests to the unprecedented opportunities for co-option, but it also adds 'hedging' to the menu of options available for elites.

Elite Responses: Transforming Pressures for Compliance to Co-option

Elites in Nepal and Myanmar have invoked both regional and liberal peacebuilders to settle conflicts. There is a tendency to appeal to regional powers to gain some form of credible guarantee, and in turn call upon liberal peacebuilders to bestow some form of international legitimacy. This also helps to balance the deep regional dependencies with which elites have to contend, as outlined in Chapter 7. While the peace process in Nepal and Myanmar would perhaps not be possible without India and China's involvement, an enlarged role for the wider international community helps circumvent dependency. The elites in Nepal and Myanmar understand the pragmatism of emergent powers, and consequently regard liberal peacebuilders, and their networks globally, as a safety valve, and a means of counter-balancing this dependency, especially considering the considerable leverage emergent powers wield.

Facilitating Co-option

This plurality of international engagements brings greater pressures to accommodate various international prescriptions. They include pressures from emergent powers to guarantee stability, and their broader security and economic interests, as well as from peacebuilders to embed liberal commitments in peace process. Often, these international pressures coalesce with bottom-up demands, aggravating the pressures on the elites. The movement for inclusion by Janajatis, Dalits, and Madheshis seamlessly merged with the push for 'inclusive political settlements' by peacebuilders in Nepal. Similarly, the promotion of inclusion and civilian supremacy by

peacebuilders resonates with the longstanding demands of EAOs and the democratic opposition, to make their case against the Tatmadaw's domination in Myanmar.

A complex vortex of contradictory international pressures, combined with opposing forms of national movements have led elites to comply with different forms of pressure. However, elites have only partly complied with these pressures and largely co-opted international engagement in their favour. Patterns of co-option include: lip service to norms, keeping peace institutions alive but incapable of functioning, superficial adherence to the commitments, as well as reneging on, or diluting, prior commitments (Miklian et al., 2011; Öjendal and Ou, 2015). The scale of co-option in Myanmar has led many to argue that the entire peace process is a 'side show', co-opted by the elites to consolidate their power, and generate Western legitimacy, without making any genuine commitment on issues like inclusion through federalism, or SSR (Interview with a think-tank representative, 16 November, 2018, Yangon). In some instance, elites have simply accommodated plural and contradictory international and domestic pressures, leading to a patchwork of agendas with hybrid outcomes. The issue of secularism in Nepal is a very clear case in point. International division about secularism in Nepal aggravated national discord on the issue. The Indian ruling party sought to retain the 'Hindu' character of the state, while peacebuilders lobbied for Nepal to become a secular state (Dahal, 2016). This ultimately led to a 'masala' version being adopted, as described in Chapter 4.

In their ability to co-opt, elites are seen to have found it easier to co-opt peacebuilders, often even through resisting some of the peacebuilders' undertakings. This co-option is enabled by the focus of peacebuilders on relying on normative and institutional endpoints, which can be easily instrumentalised. Co-option and elements of resistance have been seen to increase too, as the peace process has lengthened. In Myanmar, the military-backed Thein Sein government has been much more accommodating towards peacebuilders given the quasi-civilian government's quest for international legitimacy. With no international legitimacy at stake, and the advent of the Western ostracisation of Myanmar after the Rakhine crisis, the NLD-led government in Myanmar has reduced the space of Western actors to engage in the peace process (Interview with

representative of a signatory EAO, 22 November, 2018, Yangon). Similarly, while Nepal welcomed the peacebuilders at the beginning of the peace process, as the process has progressed there has been active resistance on the issues of inclusion and accountability for human rights (Rawski and Sharma, 2012). In fact, as the process drew to a close the Government of Nepal asked the European Union not to interfere in the internal affairs of Nepal, when its Election Observers Team recommended removing 'Khas Aryas' from the list of categories reserved in the proportional representation system (The Kathmandu Post, 2018).

Hedging: An Additional Option

Plurality allows elites in Nepal and Myanmar to hedge between peacebuilders and emergent powers to ensure their continued dominance. When liberal peacebuilding prescriptions are threatening their dominance in the political settlement, elites have turned to emergent powers and vice-versa. Hedging, thus, unleashes a fundamental paradox: it aims to reduce pressure from either EPRCM or liberal peacebuilders, but also necessitates the co-existence of both forms of international engagement. While hedging against emergent powers can reduce only a small part of the wider dependence, hedging against liberal peacebuilders weakens their leverage to insist that elites comply with commitments for an inclusive political settlement. Thus hedging on the one hand reduces the agency of peacebuilders further, but on the other hand also ensures that elites will superficially continue to engage liberal peacebuilders, in a bid to counter-balance EPRCM. This leads to a superficial uptake of liberal peacebuilding with elites making negligible concessions for marginalised groups in the renegotiating of the political settlements.

Hedging as a concept in international relations is used to describe the behaviour of states through which they can maximise their influence, leverage, and freedom of action (Goh, 2005; Medeiros, 2005; Salman et al., 2015; Tessman, 2012; Wolfe, 2013). Hedging enables states to guarantee their long term interests by placing their policy bets on multiple and possibly contradictory options, designed to offset risks embedded in international systems (Fiori and Passeri, 2015). Hedging has allowed Southeast Asian countries to align with China on issues of human rights and democracy, while

siding with Western states on discussions about China's use of force (Whiting, 1997). Diversified international engagement with strong relationships with different players is seen to be core to hedging strategy (Tran et al., 2013). Hedging, enabled by multiple forms of international engagement, often competing and contradicting one another, has however been largely absent as a concept in peace studies, despite being evident in such contexts as Sri Lanka (Cheng et al., 2018; Sørbø et al., 2011). However, hedging strategies bring critical opportunities that promise a degree of flexibility, choice, and even autonomy for elites in conflict-affected states, which have a direct impact on the political settlement, especially as these settlements are being renegotiated.

So prevalent is hedging that the very initiation of a peace process in Myanmar in 2011, in its opening up to Western engagement, is largely seen as an attempt to hedge against increasing dependence on China (United States Institute of Peace, 2018). However, once the Western condemnation of the Rakhine crisis peaked post 2015, Myanmar came full circle and hedged against the international community, returning to its reliance on China (Interview with a former diplomat, 19 July 2017, Yangon). Similarly, the request of Nepali actors, for the UN to have a role in the peace process, can be read as a hedging strategy against possible Indian dominance in the transition, which would have de-legitimised the process, given the history of India's political intervention (Interview with Editor-in-Chief, 10 August 2017, Kathmandu). However, when UNMIN's alleged support for the Maoists, and its pressures on such issues as the democratisation of the NA, threatened to upset the status quo, the traditional political parties and the NA hedged against UMMIN to count on India's support (Adhikari, 2014; Jha, 2014).

Confirming this hedging strategy, in the context of the Nepali government's decision to terminate UNMIN's mandate in Nepal, a former Prime Minister confided: 'there were divisions about UNMIN's exit both domestically and internationally, including in my own political party. To force us to rethink our decision about UNMIN's exit, on behalf of the UN Secretary General, ambassadors representing the five permanent members of the UN Security Council came to meet me. One of the ambassadors even

threatened that if violence resumes after UNMIN's exit, I could be tried at the International Criminal Court. However, in the interaction with these five ambassadors, I noted that the British, French and the American ambassadors were forthcoming in their persuasion to continue UNMIN's role, but the Russian and the Chinese ambassadors were largely quiet. The silence of regional powers like China was reassuring for us. We realised that that there will be regional allies in case of Western backlash, and decided to go ahead with UNMIN's exit' (Interview, 12 December 2018, Kathmandu). In yet another instance, when India did not wholeheartedly support the Constitution of 2015, on grounds of continued exclusion and secularism, Nepali elites cited the acceptance of the Constitution by countries such as China as well as the US, and the EU amongst others, to counterbalance Indian stance (Sharma, 2019). Nepal also sought to internationalise the blockade, framing the issue as a violation of its rights as a Landlocked Least Developed Country to have 'unhindered access to the sea' (PTI, 2015).

While elites in conflict-affected states hedge also against the pragmatism of the regional powers, the hedging against liberal peacebuilders is directly designed to dilute commitments to peace processes. As seen in Nepal, hedging has not only diluted any commitment on the 'democratisation of Nepal Army', which is a fundamental tenet of the CPA, but it has also facilitated UNMIN's untimely exit, leaving important agendas of the process in limbo. Similarly, hedging against peacebuilders and limiting their role has meant that Myanmar's peace process has become more bureaucratic, centred on the NLD, and in fact stagnant.

Contextual Determinants to Hedging and Co-option

The ability to hedge and co-opt, especially against regional powers, is arduous and contingent on domestic determinants. Here, Nepal and Myanmar have been able to capitalise on their geo-strategic locations and investment opportunities and co-opt emergent powers. Myanmar's rich deposits of oil and gas, minerals, forest resources, as well as its hydropower potential, have allowed elites to accord benefits to China for its international support to the regime, thereby co-opting China's support (Haacke,

2011). For instance, the Myanmar government granted a contract to a Chinese company for oil and gas exploration, even though it had been outbid by an Indian company, after China vetoed a Security Council resolution against Myanmar (Kleine-Ahlbrandt and Small, 2008). Likewise, Nepal has found it difficult to resist Indian pressures, and has also faced repercussions for non-compliance with India's interests. Non-compliance to Indian pressures has not only led to governments in Nepal to collapse, but has also led India to take extreme measures such as supporting an economic blockade in 2015. However, by using the 'China-card', and diversifying its overall foreign relations, or by its mobilisation of nationalism, grounded on anti-India sentiments, Nepal has been able to ward off Indian pressures to a certain extent. Nepal and Myanmar, also, increasingly understand the pragmatism of emergent powers, and their quest for stability and regional dominance. This allows them to instrumentalise these vulnerabilities of emergent powers to their advantage, by making use of their geo-strategic location. Both Nepal and Myanmar have relied on diversifying their foreign relations to enable co-option and hedging against regional powers. This is more so in Nepal, given the enduring rivalry between India and China.

A comparison of Nepal and Myanmar also demonstrates that the ability to co-opt and hedge depends on the consolidation of the power of elites: internally, by their relative distribution of power vis-a'-vis the marginalised groups (Behuria et al., 2017); and externally, by their levels of dependency on international actors. Internally, a consolidated elite group is able to devise a unified stance on how best to use international engagement and resist, co-opt or hedge dependencies. For instance, a greatly strengthened Tatmadaw, in seeking to redeem itself from possible Chinese pressures, has been able exploit benefits from China, but at the same time kept it at a distance and not allowing it to impinge on national policies (Goh and Steinberg, 2016). Accordingly, China is said to have been in the dark on important policy changes in Myanmar, including the dismissal of Premier Khin Nyunt in 2004, as well as the move of Myanmar's capital from Yangon to Naypyidaw (Li and Lye, 2009). Conversely, the level of fragmentation and factionalism in Nepal has meant that political parties, and factions within them, have sought India's support to consolidate their internal balance, rather than forming a concerted stance to benefit from India (Mohan, 2012). On

external dependency, Nepal's absolute dependence on Western actors as development funders, and on India for trade and transit has meant that external aspects are more important. The level of dependency is less for Myanmar, which has survived Western sanctions, and where patterns of dependency on China are shifting, in favour of more leverage for Myanmar, especially since BRI (Goh and Steinberg, 2016).

Space for Marginalised Groups

While the plurality and strength of international engagement facilitates co-option and hedging, in turn enhancing the agency for elites, it conversely also decreases the space available to marginalised groups. Marginalised groups are forced to depend on the pragmatism of both EPRCM and liberal peacebuilders. EPRCM can either supplement their demands by harnessing cross-border support, or inhibit their efforts when detrimental to interests of India and China, while peacebuilders despite their commitment are unable to make any net impact on inclusion.

To mobilise international support to their cause, marginalised groups have used liberal norms of human rights and equality. In fact, the use of such norms to articulate their demands is what binds the different struggles in Nepal and Myanmar, from the Kachins and Karens to the Madhesis and Janajatis. In their articulation, they have continually sought international mediation and facilitation, and used global forums to internationalise their issues. As the state has failed to be inclusive, marginalised groups have largely relied on external avenues (Interview with activist, August 12, 2017, Kathmandu). For example, KIO supremo Brang Seng likened the Kachin conflict to a football match without a referee and called for international mediation to resolve the conflict (Shayi, 2016). Similarly, Nepal's civil society activists and marginalised groups used the United Nations Human Rights Council in Geneva to express concern over different forms of human rights violations during the peace process. Further Janajati groups in Nepal have used international conventions, such as ILO 169 on the rights of indigenous people, to validate their right to govern autonomous regions (Tamang, 2010). This attests to the argument that liberal precepts, such as human rights

law, have made important inroads around the world, despite claims of arrested development (Sikkink, 2017).

Beyond calling on the peacebuilders, marginalised groups in the borderlands have naturally sought to mobilise cross-border support through both formal and informal channels. For instance, some Kachin elites have sought to emphasise their closer ethnic and historical ties to the Jingpo minority in China, to negotiate preferential relations with local authorities in Yunnan (Sadan, 2015). Similar inferences can be made of many Madheshi leaders. In response to their mobilisation, while cross-border groups have been able to mobilise support from India and China, these have varied in accordance with Indian and Chinese priorities.

Conversely, while liberal values are the natural lingua franca of marginalised groups, the peacebuilders have failed to carry out their commitments to transform the political settlements. Instead, as already mentioned, the insufficient support from peacebuilders has had the unintended effect of marginalised groups being labelled as 'anti-state', and investment in their issues to be seen as 'infringing on internal affairs'. In Nepal, liberal peacebuilding received a great deal of 'flak' for funding 'secessionist movements', when supporting groups such as NEFIN for the empowerment of marginalised groups (Adhikari and Gellner, 2016; Onta, 2006). The anti-state accusation however overlooks the intended and unintended support that goes back to elite groups. For instance, the large bulk of development assistance continues to flow through, or use, government channels, and/ or civil society organisations, which are led by individuals of the dominant group, thus oiling the machinery of an exclusive political settlement (Interview with activist, 12 August 2017, Kathmandu). Further, in the face of such a backlash, liberal peacebuilders have reneged on their commitment. In Nepal, even this little support was seen to have been drained as the peace process was prolonged, with the presence of the peacebuilders, and the Western states that fund them, being reduced to 'cultural outposts' (Interview with human rights activist, 18 August 2017 (a), Kathmandu). This makes for a bleak reading on the space for marginalised groups, whose demands are made conditional to the autonomy of the elites; and the sheer

pragmatism of emergent powers; and finally on the sporadic and extemporised support of peacebuilders.

However, the case studies also reveal that a critical variable, in marginalised groups being able to extract agreements from elite groups, is also their organisational capacity, which has both national and international implications. Domestically, the greater the organisational capacity of marginalised groups, the more bargains they are able to extract from the elites. In Myanmar, the absence of convergence, between the democratic opposition and the EAOs, ensured that Tatmadaw continues to be the most well-organised and institutionalised entity (Callahan, 2009; Nakanishi, 2013). This enables the Tatmadaw's continued dominance in the political sphere during the peace process. Conversely, in Nepal, a fragmented elite structure, with intra-elite factionalism in political parties, and multiple coalitions governing for periods, enabled a strong alliance of the Maoists, Madheshis and Janajatis, which characterised the first few years of the peace process, and which made credible gains on inclusion. The fragmentation of Madheshi parties, the changing stance of the Maoists on the inclusivity agenda, and the return of strengthened traditional parties in the 2013 election, however, led to a reversal on issues of inclusion. In a similar vein, the inability of victims groups to promote a transitional justice agenda is due to their marginal organisational capacity, especially when faced with some of the most powerful sections of Nepali society, including the NA.

The organisational strength of marginalised groups also determined its ability to harness international support successfully. Cohesion within, and alliance between, different marginalised groups can increase opportunities for an increased bargaining power. The success of the Madheshi movement is linked to their ability to leverage support from both India and the peacebuilders. Conversely, the fragmentation of marginalised groups, more so in Myanmar than Nepal, given their sheer numbers, has made it difficult to leverage external support to their advantage.

Outcomes of the Interplay between Plural Forms of International Engagement

Prospects of co-option and hedging on the one hand gives elites access to autonomy and choice for elites, while limiting that access for marginalised groups. This allows the elites to decide when, how and to what extent they are willing to adhere to international pressures. However, co-option from multiple sources, as well as hedging in its very essence, needs a multiplicity of international actors and strong relationships with different players, which necessitates engagement with both emergent powers and liberal peacebuilders (Tran et al., 2013). In this bid to continually engage with diverse forms of international engagement, as well as pacify bottom-up demands for accommodation, elites have made partial compromises while not fully surrendering their dominance in the political settlement. This has resulted in a hybrid form of peace, which brings a degree of change but is largely status quoist. These hybrid 'peace' structures, embed a semblance of liberal institutions and hence address in part the demands of the marginalised groups and liberal peacebuilders, but are neither transformative in reshaping the political settlements, nor do they live up to the commitments of the peace process. This thesis thus confirms Barnett et al.'s argument that 'compromised' hybrid outcomes are the order of the day in conflict-affected states (Barnett and Zürcher, 2008). It accentuates that in conflict-affected states like Nepal and Myanmar, such compromised outcomes are enhanced by the sheer plurality of international 'interveners', as well as by the differences and contestations in their approaches. This compromised form of hybrid peace is visible in each of the three areas, transitional justice, inclusion and SSR in Nepal, though they are yet to crystallise in Myanmar, given the nascent stage in its peace process.

These hybrid structures emerge both as an unintended consequence of the strategic interactions between actors at local, regional, or international levels who compete, coalesce and engage in the politics underpinning the peace process, as described in many critical works in peace studies (Mac Ginty & Richmond, 2015; Mac Ginty &

Sanghera, 2012). However, they also emerge as a consciously crafted strategy, where elites seek to adapt and merge varied international prescriptions, as well as embed bottom-up demands to bring forth partial concessions. These consciously grafted hybrid forms resonate closely with the hybrid structures Belloni discusses in his work (Belloni, 2012). It is to the details of the hybrid structures in Nepal, that this chapter now turns.

Hybrid Forms of Inclusion

Nepal's version of inclusion reconciles different international and national pressures and has fluctuated with the political dynamics of the peace process. Here, bottom-up demands for a broad commitment to inclusion with multiple pathways including affirmative action, federalism, secularism, gender quality, electoral system, were largely supported by liberal peacebuilders. These demands contrasted with India's parochial approach to supporting the inclusion of Madheshi forces and support for Hinduism, and China's averseness to federalism.

In negotiating these diverse pressures, and the shifting bargains, Nepal's commitment to each of these issues has changed. In 2007, the Interim Constitution guaranteed secularism; a mixed electoral system, with 42:58 split between first-past-the-post (FPTP) electoral system and proportional representation (PR); affirmative action to all marginalised groups; and a commitment to federalism. The changes in the political equation, and the evolving international engagement, however, facilitated a political settlement, where Nepal did transform into a federal, secular state, but the settlement on inclusion was different to initial deliberations. It assimilated the concept, but not the spirit and the normative underpinning of inclusion.

The Constitution of Nepal (2015) carved out 7 provinces, but only one of the provinces was created in such a way that it could have a non-CHHE majority, (Province 2 where Madheshis are dominant), leaving aspirations for identity-based federalism unfulfilled (Jha, 2017). Further, while it gives adequate powers to the central government as well

as the local governments, it leaves provincial governments rather toothless without any substantial powers (Interview with Constitutional lawyer, 12 August 2017, Kathmandu). Similarly, while the new constitution has declared Nepal a secular state, it continues to privilege Hinduism. Secularism has been defined as 'protection of religion and culture being practised since ancient times and religious and cultural freedom', which given Nepal's history of being a Hindu state facilitates its protection (Bell et al., 2017). The Constitution commits to secularism but limits conversion, bans cow slaughter, as well as privileges Hindu traditions and emblems; in a bid to balance the contrasting domestic and international constituencies. Thus, while making minimal concessions to non-Hindu Janajati groups and other religious minorities in Nepal, it has continued to strengthen Hinduism. Instead, demands for genuine secularism is framed as an anti-national, and foreign-funded agenda (Letizia, 2012).

Affirmative action, with reserved seats proportional to the population in civil service and state organs, which has the ability to mainstream marginalised groups, has been diluted by adding in the dominant group CHHE as one of the 'reserved categories'. Notwithstanding the gains made for all marginalised groups, relative to their socio-political standing in the years prior to the peace process, such a hybrid peace, which has emerged after a decade-long peace process, has neither lived up to the spirit of the 'state restructuring', nor has it altered the status of the CHHE. In fact apart from Madheshis, no other marginalised group has been able to emerge as politically salient in the provincial elections of 2017 (Paswan, 2018). Perhaps more crucially, discussions on inclusion left salient economic questions such as land reform aside, thus excluding the landless and the peasantry from any peace dividends (Interview with civil society representative, 16 August 2017, Kathmandu).

In Myanmar, discussions on models of federalism and inclusion are just emerging. The decades-long call for inclusion, bolstered by the support of peacebuilders, stands alongside China's paradoxical impact on demands on federalism. In Myanmar, peacebuilders have invested on the issue of federalism, with technical assistance to civil society groups and different EAOs, for building capacity and a knowledge base on the issue (Interview with representative of EAO- Secretariat in the peace process,

14 November 2018, Yangon). However, this liberal peace approach competes with regional realities, where prior to confirming any negotiation on federalism and resource sharing, Chinese investments have continued unabated (Interview with a think-tank representative, 15 November 2018, Yangon). The conflicting nature of international engagement, the reluctance of the Tatmadaw to make any significant changes, in addition to the absence of a uniform stance among EAOs, has meant that the any commitment, confirmed in the peace process to date, revolves round superficial issues that are difficult to interpret in practice. For example, one article agreed in the Union Accord states, 'To allocate the national budget in a fair and equitable manner in accordance with the Constitution between the Union Government and Regions and States Governments and Governments of Self-administered Regions/ Zones', while another asserts: 'To share the management rights in economic affairs among the Union Government, Regions and States Governments and Governments of Self-administered Regions/ Zones in accordance with the Constitution' (State Counsellor Office, Republic of the Union of Myanmar, 2017). The political dialogue is ongoing, and might eventually finalise the modalities of 'equitable' resource sharing mentioned in the Accord, but for now, it conceals more than it commits. Further, the note on 'in accordance with the Constitution' is not only controversial, but also reinforces the sanctity of a Constitution that is premised on protecting the Tatmadaw and the Bamar majority.

The only aspect of inclusion mentioned in the Union Accord is gender-based inclusion. Of the 14 articles signed as a part of the Union Accord, in the third session of the Panglong Conference, four were about gender mainstreaming or 'equal treatment', proposing a minimum 30 per cent female involvement in each sector of the state, the implementation of policies on gender-based violence, and increasing capacity of women (State Counsellor Office, Republic of the Union of Myanmar, 2017).

Security Sector Reform: the Hybrid Turn

Security Sector Reform, both in Myanmar and Nepal, was seen to encompass two central agendas: DDR and a broader version of SSR, to include civilian control of the

military as well as of the police. A clear disconnect can be seen however between such regional powers as India and China and the liberal peacebuilders. Much of the international liberal peacebuilding community has been supporting capacity building and policy on SSR. However, while disengaged in the debate of SSR, regional powers have strengthened the state through substantial military assistance, increased training for the military forces of Myanmar and Nepal, reifying the control of the military (Sharma, 2017). India's unconditional support to the NA, guided by the belief that it had to be apolitical to be strong and ensure stability, led not only to delays and dilution of the process of integration of Maoist combatants in the NA, but also left the agenda of the democratisation of the Army untouched (Jha, 2014). In this hybrid version of SSR, while it responded to the call by such peacebuilders as UNMIN with a modest form of integration of combatants into the NA, it also adopted the Indian stance of leaving the NA untouched by the 'democratising the Army' agenda. It has further left concerns about former child combatants, discharged as minors unaddressed.

Similarly, in Myanmar, the sequencing and the modality of SSR and DDR are under discussion. While the government wants the DDR to come first, the EAOs generally want to see it as a part of the wider SSR. This is likely to bring about a hybrid structure, where the Tatmadaw on paper agrees to 'security re-integration', but on the ground continues to inhibit any momentum towards it, owing to its considerable organisational skills and support from regional governments. Further, the role of China in supporting both the EAOs in the borderlands and the military in Naypyidaw is likely to perpetuate patterns of conflict, where the EAOs are too strong to be defeated, but too weak to win the Tatmadaw over.

Transitional Justice: the not-so hybrid turn

In Nepal, the edifice of transitional justice stands tall, in the form of Commissions on Investigation of Disappeared Persons, and Truth and Reconciliation. However, these institutions have rendered only interim relief and victims' groups have largely been marginalised in the process. Instead for political parties, like the UML, transitional justice became a source of building political coalitions where it sought Maoist support

for its government, by giving guarantees of liquidating the transitional justice process, which had exposed the Maoists. The shifting sand of support from liberal peacebuilders on the issue has further emboldened elite hostility to the process. Further, with no interest from regional powers, and India only instrumentally using the transitional justice agenda, the issue has been a political bargaining chip both at home as well as abroad (Baral, 2016).

In Myanmar, the discussion on transitional justice is little to none. China's engagement is focused on bringing parties to the table, rather than such normative endeavours as transitional justice. However, liberal peacebuilders have also not pushed the transitional justice agenda either, due to their marginal position, as well as wanting to focus on 'doable' things (Interview with researcher, 14 July 2017, Yangon). The issue has lacked any strong support from the ethnic armed groups, and political parties, such as the NLD, have been equally silent. This can be seen as manifestation of the current political settlements in Myanmar, and the relative difference in power and organisational skills between the military and the other parties in the political establishment. Thus, albeit due to different factors, all parties seem to converge on the transitional justice debate in Myanmar.

Contribution to the Debate on Political Settlement

The sections above establish the dialectic interface between plural forms of international engagement and the agency of local actors on the ground in conflict-affected states. The central argument on political settlements here is that the compromised form of hybrid peace structures is being facilitated by the autonomy obtained by elites, given the plural and competing forms of international engagement in conflict-affected states. Such hybrid peace structures are 'compromised', as they are largely illiberal and veer towards protecting the dominance of the elites. However, in making this argument, the empirical examples of Nepal and Myanmar also lead to inferences for the, largely under-theorised, literature on political settlements. Firstly, recent literature has acknowledged that power dynamics do not fit within the 'container' of the state, and that 'transitional influences' on political settlements

should be accounted for (Meehan and Goodhand, 2018). However, when looking at transitional influences, the focus has been on liberal peacebuilders, who have sought to tailor their interventions to foster inclusive political settlements (Bell, 2018). The cases of Nepal and Myanmar serve as a caution that, in contexts of plural forms of international engagement, competing forms of international engagement from regional actors need to be focused upon. This is more so as regional actors have barely promoted the argument that 'broad- based inclusion leads to domestic stability in conflict-affected states', but have focused instead on elite pacts to end violence. Here, the overwhelming strength of their leverage has an impact not only on influencing the domestic political settlements directly and indirectly, but also in shaping the scope of the peacebuilders' mandate.

Secondly, the literature on political settlements highlights the theory that elite pacts bring stability (Lindemann, 2011). The cases of Nepal and Myanmar call for its reappraisal. In peace processes, which see an expanded international role, elite pacts can actually lead to instability in the long run. The quest of liberal peacebuilders to embed norms and institutions that echo liberal visions, might see the elites enshrining them into peace accords, despite the ability of these norms and institutions to undercut their power base (Parks and Cole, 2010). However these commitments do not match the distribution of power in conflict-affected states, thus introducing a misalignment between promises enshrined in the elite pacts and the commitment of elites for change (Cheng et al., 2018). Further, these pledges in elite pacts do not mean that there is elite commitment to change. Rather elites might embed these institutions to co-opt or revisit them later, creating the institutional expectation for change. This leads to unfulfilled expectations, and to marginalised groups continuing to demand changes, while the structure of the elite power base inhibits any change, eventually resulting in an 'unsettlement' (Bell and Pospisil, 2017). This lack of determinism, about elite pacts leading to stability, is aggravated in the context of plural forms of international engagement, with contradictory and competing influences. Here, while a broad commitment to elite pacts led to a convergence between liberal peacebuilders and emergent powers, their inherent differences, in other stages of political settlement

negotiations make it difficult to determine the direction of change in political settlement.

Thirdly, as mentioned above, in elite pacts and institutional commitments to redistribute power, the institutional commitments can shift with time, and continue to be disputed rather than accepted. This puts Kelsall's idea of political settlements to the test, and indicates that success in Elements 1 and 2 might not lead to it Element 3. Hence, the case of Nepal instead confirms Khan's critique of Kelsall's argument: that pacts between elites to enforce critical institutions cannot guarantee that these commitments will be enforced, as elites can 'free-ride' on these commitments, or make informal modifications over time. It further highlights the linkages between the two theoretical approaches on political settlements: Khan's *longue durée* approach, focused on an historically-determined understanding of political settlement, and Kelsall's, which is focused on the agency of elite pacts. Elite pacts are conditioned by historical distribution of power between groups.

Lastly, the political settlement literature has failed to articulate the complex linkages between the horizontal inclusion between different elite groups, and the vertical inclusion, between elites and non-elite actors, and has not examined how non-elite actors can exert pressures to alter political settlements (Pospisil and Rocha Menocal, 2017). In fact, the very definition of vertical inclusion needs to be strengthened. While some scholars have defined vertical inclusion as the relationship between elites and their followers (Cheng et al., 2018), others see it as the relationship between elites and the wider society (Molloy, 2017). The difference between the two is blurred. This has made it difficult to operationalise non-elite actors in the context of vertical inclusion. Some groups, such as former combatants who were left out of the DDR debates, or the victims in transitional justice cases, do not fit within the 'follower of elite' definition of 'non-elites'. However, what this thesis does demonstrate is that, in the context of plural engagement, defined by EPRCM with its focus on stability, and liberal peacebuilders with their limited leverage, the international engagement might only facilitate horizontal inclusion. It confirms that emergent powers are committed to

horizontal elite pacts, often overlooking vertical pacts, due to perceiving them as sources of instability, or not seeing them ‘as their business’.

Conclusion

This chapter has outlined how plural forms of international engagement, and the differences in strength of EPRCM and liberal peacebuilding, are facilitating the increased agency of elites. In detailing how EPRCM and liberal peacebuilding differ in their impact on the various stages of renegotiating political settlements, this chapter has shown how emergent powers are vested only in elite pacts, albeit conditionally, and only engaged in supporting political institutions in a selective way. On the other hand, liberal peacebuilders seek to support inclusive political settlements, but offer limited incentives, and have equally limited leverage to enable elite compliance. The diversity in international approaches has not only resulted in conflicting engagement in political settlement negotiations in Nepal and Myanmar, but has also led to a misalignment between commitments in the peace accords, and the institutions that emerge to translate the commitments into practice.

In the context of plural and divergent forms of international pressures, marked by frail peacebuilders, and ambivalent and pragmatic emergent powers, elites have been allowed to favourably co-opt and hedge varied international pressures, but nevertheless offer a degree of compromise, leading to hybrid forms of peace. While hedging emergent powers is likely not to go far, hedging against peacebuilders has not only reduced the latter’s ability to compel the elites to make concessions on liberal precepts, but also pits them against emergent powers. The latter has led to peacebuilders being marginalised, and their scope and mandate being trimmed.

The resulting hybrid forms of peace, as evident in the journeys of inclusion, SSR and transitional justice, are largely compromised and have reified the status quo.

Concluding Discussion

This thesis argues that the scale and variety of international engagement in conflict-affected states warrants greater attention, both in the policies to support such states, and also in the academic scholarship on these issues. As the 'global marketplace' of international actors supporting political transitions in conflict-affected states is rapidly changing, the often markedly different modes of engagement must be acknowledged and explored. More specifically, this thesis calls for a greater understanding for such regional actors as India and China, who are emerging powers globally, and who are shaping the parameters of the engagement of liberal peacebuilders and the political outcomes in conflict-affected states. In this regard, this thesis has made some key empirical and theoretical contributions that this concluding section seeks to summarise.

With reference to Question 1, I argue that the engagement of emergent powers on peace processes is markedly different to that of liberal peacebuilding, and I conceptualise this form of engagement as EPRCM. Theoretically, by looking at the engagement of India and China, and conceptualising EPRCM, this thesis has contributed to the burgeoning literature on 'alternative forms of peacebuilding' (Lewis et al., 2018) and has highlighted 'alternative sources of agency' in peace processes (Kappler and Richmond, 2011). Further, as it has looked at non-Western international actors in the peacebuilding arena, rather than at domestic regimes leading on peace processes, this thesis is distinct from other theories of 'alternative' forms of peacebuilding, such as Authoritarian Conflict Management and 'illiberal peacebuilding' (Lewis et al., 2018; Smith et al., 2020).

As regards Question 2, this thesis claims that there is a negotiated co-existence between EPRCM and liberal peacebuilding in Nepal and Myanmar. This negotiated co-existence is defined by limited joint collaborations and co-engagement, and the asymmetry of engagement is inclined towards emergent powers in their regions of influence. A core area of convergence between the two is in the forging of elite pacts, in the form of supporting peace accords. There are also areas of active contestation

between the two and, in such instances of contestation, EPRCM has the power to limit the scope of liberal peacebuilders. Thus EPRCM on the one hand has restricted the ability and agency of liberal peacebuilder; but on the other it has facilitated an uncontested space for liberal peacebuilders, as elites in countries like Nepal and Myanmar invoke liberal peacebuilders to balance the entrenched and pragmatic nature of engagement of India and China.

Accordingly, it has contributed to the wider debate on emergent powers and their interaction with the liberal world order in International Relations. This 'negotiated co-existence' between the two forms of international engagement, and the rise of illiberal peace structures affirms Kupchan's hypothesis that while the liberal order is declining, it is not being completely replaced by another coherent model (Kupchan, 2012).

In the case of Question 3, the thesis began with a basic hypothesis that hybrid peace structures emanate from the diverse forms of international engagement in conflict-affected states. Insights from Nepal and Myanmar confirm this existence of hybrid peace. However, the empirical findings show that this hybrid peace is largely status quoist and illiberal, in the sense that it constrains the liberal leap that peace processes, and the peace agreements in particular, promised. This thesis has argued that the illiberal variant of liberal peace is facilitated by the agency of the local elites, who have relied not only on co-option, as is widely documented in peace studies, but also on hedging one form of internal engagement for the other, to circumvent pressures from plural forms of international engagement.

This thesis therefore confirms the prevalence of compromised and hybrid structures of peace in post-conflict settings. However, it adds to the literature by outlining that this 'compromised' hybrid form of peace is facilitated not only by interaction between local and the international actors, but also by the interaction between plural forms of international actors, with diverse motivations and strategies.

In discussing the impact of diverse sets of international engagement in conflict-affected states, the thesis also makes a key contribution to the largely under-theorised

concept of political settlements. It confirms the importance of international actors that influence domestic political settlements in conflict-affected states: an issue which has largely been overlooked (Meehan and Goodhand, 2018). More so, in looking at elite pacts, which are core to the conceptualisation of political settlements, it makes some key inferences. Here, empirical evidence demonstrates that, in the context of plural engagement, defined by EPRCM with its focus on stability, and liberal peacebuilders, with their limited leverage, international engagement might only facilitate horizontal inclusion rather than a broad-based vertical inclusion. It further cautions that, in shaping peace accords, international pressures to embed norms and institutions might led to a misalignment: between the power of elites and the nature of their commitment in the peace agreements. This might herald instability in the long run.

This thesis has focused on three distinct questions and sought to conceptualise the engagement of emergent powers in their regions of influence. However, it needs to be noted that these insights have been based on a study of two cases. Accordingly, these findings indicate avenues for future research, which could advance the empirical validity. It could, firstly, be applied to, and tested in, other countries in their spheres of influence. Further, it needs to be taken into account that the EPRCM approach discusses the approaches of India and China to peace processes in countries in their immediate vicinity. To grasp the entirety of India and China's engagement on conflicts, this inquiry could be extended to further comparative cases, on two distinct levels: one at a global scale in countries outside their immediate regions, for example South Sudan; and secondly, looking inwards to their engagement in various domestic conflicts or areas of tension, such as Tibet, Kashmir or Xinjiang. It is my hope that this research could provide a foundation for such future studies.

Appendix 1: List and details of people interviewed

Nepal (All interviews were carried out in Kathmandu)

1. Political Commentator focusing on contemporary politics, August 4, 2017
2. Peace Negotiator who headed a key USAID funded Track 1.5 Dialogue Initiative in the peace process, and a prominent political analyst writing on the peace process, August 6, 2017
3. Editor-in-Chief of a major English newspaper in Nepal, August 7, 2017
4. Peace Negotiator, who facilitated negotiations between the Maoists and the Seven Party Alliance. Also a former Speaker of the Parliament, August 8, 2017
5. Editor of the largest Nepali daily in Nepal and a prominent author writing on Indian engagement in Nepal August 10, 2017
6. Member of the SC (Special Committee for Supervision, Integration and Rehabilitation of the Maoist Combatants), Government of Nepal, August 10, 2017
7. Constitutional Lawyer, and a legal advisor to a Provincial Government in Nepal, August 12, 2017
8. Activist campaigning for ethnic inclusion and Head of a prominent NGO working on rights of Madheshis, August 12, 2017
9. Member of Parliament, and a key interlocutor in the peace process, August 14, 2017
10. Member of Parliament and a foreign policy advisor to the former Prime Minister of Nepal, August 14, 2017
11. Civil society representative and Head of a political foundation focused on peacebuilding and governance, August 16, 2017
12. Political analyst and an author who has written on the Maoist movement, August 18, 2017 (a)
13. Human rights activist, a prominent journalist and author on Nepal's peace process, August 18, 2017 (b)

14. Political analyst covering the peace process, August 20, 2017
15. Expert on Security Sector Reform, September 3, 2017
16. Former Minister of the Interim Government in 2012-2013, and a key interlocutor in the peace process, September 4, 2017
17. Researcher and a prominent expert on civil-military relations in Nepal, September 6, 2017
18. Former Nepali ambassador to India and political scientist August 31, 2017(a)
19. Member of the SC (Special Committee for Supervision, Integration and Rehabilitation of the Maoist Combatants), August 31, 2017(b)
20. Member of Parliament and a Member of the Special Committee for Supervision, Integration and Rehabilitation of the Maoist Combatants, Dec 11, 2018
21. Former Prime Minister of Nepal, Dec 12, 2018

Myanmar (All interviews were conducted in Yangon)

1. Head of a prominent peacebuilding consortium, 10 July 2017(a)
2. Peacebuilding consultant affiliated to a resource centre to support ethnic leaders and communities, 10 July, 2017 (b)
3. Journalist with Myanmar's only free media houses, 11 July, 2017
4. Head of an intergovernmental organization supporting the peace and Constitution writing process, 12 July 2017,
5. Representative of a prominent multilateral body funding peacebuilding in Myanmar, 12 July 2017
6. Researcher focused on Chinese investment and also one of the member of joint research team for peace perspective on Sino--Myanmar relation, 13 July 2017(a)
7. Journalist focusing on the peace process, 13 July 2017(b)
8. Researcher working on Myanmar, 14 July 2017
9. UN representative working in locally in Southern Shan staten 17 July 2017.
10. Former Diplomat associated formerly with ICRC and Centre for Humanitarian Dialogue, Myanmar, 19 July 2017

11. Political analyst formerly associated with the Communist Party of Burma, 19 July 2017
12. Civil Society Representative leading on a prominent peacebuilding project, 20 July 2017(a)
13. Independent Political Analyst formerly with Human Rights Watch, 20 July 2017 (b)
14. Expert on security sector reform and civil-military affairs, 21 July 2017 (a)
15. Head of a leading peacebuilding organization, 21 July 2017(b)
16. Former diplomat for Myanmar now working in a premium think tank, 24 July 2017 (a)
17. Head of an NGO working on peacebuilding and governance, 24 July 2017(b)
18. UN representative in Myanmar focusing on humanitarian support, July 25 2017
19. NGO Representative of a peacebuilding project, 12 November, 2018
20. Representative of JMC, Myanmar's government's key peace institution, 13 November 2018
21. Activist from the Kachin region leading a local organisation supporting conflict-affected areas, 13 November 2018
22. Member of the Secretariat representing the EAOs in the peace talks, 14 November 2018
23. Peace negotiator in the Myanmar Peace Process, 15 November 2018
24. Think-tank representative dedicated to supporting participation of ethnic nationalities in the peace process, 15 November 2018,
25. Activist and a former political prisoner currently heading a peacebuilding project, 16 November 2018
26. of Parliament, NLD, 18 November 2018
27. Head of a think tank working on domestic transition and foreign policy, 21 November, 2018(a)
28. Researcher working on extractive industries, 21 November (b)
29. Researcher on interim governance and federalism, 21 November 2018 (c)
30. Representative of a signatory EAOs in the peace process, 22 November 2018

31. Researcher focused on China–Myanmar relations affiliated to a foreign policy think tank in Myanmar, 23 November 2018
32. Political Analyst who writes on issues on the peace process and ethnic nationalities, 27 Nov 2017 (Scoping interview via Skype)
33. UN representative in Myanmar, 16 May 2017 (Scoping interview via Skype)
34. Representative of a donor organization funding peacebuilding programmes, Open Society (Scoping via skype, 28 February 2017)
35. Researcher working on economic and developmental issues in the peace process, 7 August 2018

India (All interviews were conducted in New Delhi)

1. Foreign Policy Analyst, Research Fellow at a think tank in India, focused on India and South Asia, October 1, 2018
2. Scholar- Diplomat, a Prominent Indian Scholar specializing in Nepal and South Asia who has also served as a diplomat, October 2, 2018
3. Researcher with a focus on Nepal working at a premium Indian think tank, 3 October, 2018
4. Diplomat, Former Indian Ambassador to Nepal, 7 October, 2018
5. Diplomat, Former Foreign Secretary of India and also former Indian Ambassador to Nepal during the peace process, 8 October 2018
6. Diplomat, Former Indian Representative to the UN, 9 October 2018
7. Head of an Indian think tank focused on Indian diaspora, October 9, 2018
8. Former Indian Army General specializing on Nepal, October 10, 2018
9. Diplomat, Former Indian Ambassador to Nepal and a Special Envoy on Nuclear Affairs, 14 October, 2018
10. Professor, Indian Academic at Jawaharlal Nehru University focusing on South Asia, October 13, 2018

China (All interviews were conducted in Chengdu, Sichuan province)

1. Professor at Sichuan University, Focused broadly on South and Southeast Asia, December 22, 2017(a)
2. Professor at Sichuan University, Focused on Myanmar, December 22, 2017(b)
3. Professor at Sichuan University, Focused on Southeast Asia and fragile states in Africa, December 27, 2017
4. Professor at Sichuan University, December 30, 2017
5. Professor at Sichuan University, January 4, 2018
6. Professor at Sichuan University, January 5, 2018(a)
7. Professor at Sichuan University, January 5, 2018(b)
8. Roundtable discussion on China and its role in Myanmar and fragile states, Sichuan University, 18 December, 2017 (Attendance sheet not provided)

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